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**Environmental Law 2022 U.S. CLIMATE LITIGATION IN THE AGE OF TRUMP: FULL TERM**

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**1. INTRODUCTION**

From beginning to end, the Trump administration pursued an agenda of climate deregulation. The administration aimed a portfolio of actions at weakening federal climate protections and promoting fossil fuels. n1 The executive branch did so by aiming to revise and rescind all major Obama-era agency rules to regulate greenhouse gas emissions, leasing public lands for fossil fuel development, attempting to curtail climate impact consideration in National Environmental Policy Act and Endangered Species Act reviews, and withdrawing energy efficiency measures, among other climate deregulation actions. n2 Collectively, this effort served to advance the view that humans are not causing serious climate change and that environmental regulations confer many costs and few benefits. n3

Litigants responded and interacted with the administration's climate deregulation agenda by filing hundreds of lawsuits in jurisdictions across the country. This analysis takes stock of **378 lawsuits** during the Trump era where climate change was material to the case and the case implicated issues of federal law and/or federal policy. The vast majority of these suits, **89%**, aimed to strengthen climate protection or weaken climate deregulation efforts. The other **11%** sought to bolster climate deregulation efforts.

This paper builds on two prior reports, U.S. Climate Litigation in the Age of Trump: Year One, n4 and U.S. Climate Litigation in the Age of Trump: Year Two. n5 Data for the first two years of the Trump administration were drawn from the Year Two report. This report classifies cases in the final two years of the administration, ending on January 20, 2021, and combines that data with the Year Two report. The previous reports included detailed descriptions of both the substance of Trump administration deregulatory efforts and the substance of the litigation itself -- this report takes a narrower aim. The goal of this report is to describe the types of litigation that responded and interacted with the Trump deregulatory agenda, the litigants involved, the sectors at issue, and the laws invoked. That said, this report maintains the methodology and case categories developed and utilized in the prior reports. Further quantitative or qualitative analysis may build on this report to provide additional insights into the field of climate litigation in the Trump era.

This report proceeds as follows. Section 2 includes a discussion of the methodology of case selection and analysis. It also describes the categories used to distinguish the cases. Section 3 includes diagrams drawn from the dataset of both the first two years and the final two years of the Trump term. Diagrams presented include both totals from the full four years and from the final two years. The section gives narrative context and explanations to the diagrams. Section 4 concludes.

**2. METHODOLOGY**

This paper draws from cases collected in the "U.S. Climate Change Litigation Database" developed and maintained by the Sabin Center for Climate Change Law and the law firm Arnold & Porter. n6 While a great deal of environmental litigation may implicate climate change, this report limits its focus with two criteria drawn from the database. First, the case must be brought before a judicial body. This excludes most climate disputes fought out in federal agencies or other investigatory bodies. Second, climate change must be a material issue of fact or law in the case. This means that the mere mention of climate change is not enough for the case to be included. Rather, climate change must play a significant role in the dispute. Further, cases that may implicate climate change indirectly, but do not discuss climate change in that case, are not included. Examples of these types of excluded cases include those that challenge coal-fired power plants on water pollution grounds. Although injunctions to stop the plants may reduce climate emissions, the cases are not included if climate is not a material issue in the cases.

These limitations serve to clarify the distinct nature and importance of climate litigation. As climate change increases in severity and impacts increase, persuasive arguments for inclusion of more and more cases could be made. Limiting the cases to judicial bodies considering material issues of climate limits the focus to judicial reasoning on climate's effect on the law and law's effect on climate. In this paper, the limitations help focus the analysis on judicial interpretation of climate law during the Trump administration's widespread deregulatory effort.

From the dataset assembled in the U.S. Climate Litigation Database, this paper further limits its analysis to issues relevant to federal policy and federal law. This is an attempt to focus the analysis on issues relevant to the Trump administration's deregulatory efforts, rather than climate disputes over state and local policy. Significant climate action was taken at the state and local level, and analysis of litigation related to state and local climate policy could shine further light on the climate litigation response during the Trump era. But the limitation to federal policy helps focus our analysis on the way litigants and courts responded to Trump-era federal climate policies, and the way policy and law developed at the federal level.

This paper analyzes 378 cases. That number was derived the following way: First, a preliminary review was conducted of all cases in the U.S. Climate Litigation Database filed from 2017 through January 20, 2021. This produced a total of 491 litigation matters. n7 Second, 104 cases were removed for primarily concerning state or local policies, including state environmental plans, laws, and environmental review. Cases in state courts were only included if they raised federal law issues or if they raised common law claims that parties argued were relevant to federal policy. Third, 12 cases were removed for not rising to the level of a judicial dispute, in that they involved administrative or pre-litigation proceedings. Fourth, two cases were removed because their climate nexus only arose in the settlement of other legal action. Fifth, five cases were added that were filed before 2017 because they fundamentally changed in response to Trump administration deregulatory activity. In these cases, federal agencies that had previously defended an Obama administration rule sought an abeyance of the litigation matter so that the incoming Trump administration could review the rule. Thus, of the 491 litigation matters initially reviewed, 118 were removed, and five not in the original 491 were added. This resulted in 378 cases analyzed. See Appendix A for a full list of the cases filed in 2019, 2020, and the first 20 days of 2021 that were included in the analysis. See Appendix B for a list of the cases that were removed in those years. See Appendix C for cases included from 2017 and 2018 and Appendix D for cases removed from those years.

Of the 378 cases analyzed, 15 were filed in the first 20 days of 2021, 99 were filed in 2020, 105 were filed in 2019, 73 were filed in 2018, 81 were filed in 2017, and five were filed before 2017. Each case was assigned a primary category in one of five overarching responses to deregulation during the Trump administration. They are:

1. **Defending Obama Administration Climate Policies & Decisions**: In these cases, litigants challenge a revocation, delay, or other rollback of a climate change-related policy or decision. The vast majority concern defense of Obama administration decisions.

2. **Demanding Transparency & Scientific Integrity from the Trump Administration**: These cases undermine climate change deregulation by filing challenges under the Freedom of Information Act (FOIA) and similar state laws to illuminate the Trump administration's activities to reduce climate change protections and/or reveal actions that may be illegal or unethical.

3. **Integrating Consideration of Climate Change into Environmental Review and Permitting**: These cases argue for greater consideration of climate change impacts or the effects of GHG emissions in adjudications over environmental permits, species listing/delisting under the Endangered Species Act, and/or other environmental review of individual projects. This category also includes integrating consideration of climate change in to agency policies, programs, and plans related to environmental review and permitting, but it does not include challenges to major climate-related rules or decisions of the Obama administration (which are categorized as "Defending Obama Administration Climate Policies and Decisions.").

4. **Advancing or Enforcing Additional Climate Protections through the Courts**: These cases advance climate change protection through a mechanism other than the three more specific "pro" categories. Many advance theories involving constitutional law, common law, and statutory interpretation or implementation. A few seek to compel regulation or reporting not completed in the Obama era.

5. **Deregulating Climate Change, Undermining Climate Protections, or Targeting Climate Protection Supporters**: This category encompasses any "con" climate litigation matters that, if successful, would support climate change deregulation, reduce climate protections generally or at the project-level, and/or target climate protection supporters through FOIA or other means.

Cases were categorized according to an analysis of the effect of their climate-related claims. In other words, the analysis focused on whether, if successful, the climate claims would serve to defend an Obama-era policy, deregulate climate change, or any of the other effects described above. Although the categories are described in relation to their "response" to Trump policies, the categories are not necessarily new forms of litigation. Cases seeking to integrate climate change into environmental review processes, for instance, pre-date the Trump administration. Nevertheless, integration of climate change into environmental review and permitting took on new urgency in the face of ramped up Trump-era efforts to undermine those processes and expedite development of fossil fuel and other infrastructure. The categories are thus best understood as describing the way the filings both responded to and interacted with Trump administration policies.

The categories may be further simplified into "pro" and "con" cases. The first four categories describe "pro" cases, where if the plaintiffs/petitioners are successful, climate protection will be strengthened and/or climate deregulation will be weakened. The fifth category includes all "con" cases, where if the plaintiffs/petitioners are successful, they will weaken climate protection or undermine those supporting climate protections. The distinction is based on the intent of the filing party and an analysis what would occur if the suit were successful.

In addition to the five main categories above, the cases are further categorized according to their (1) dominant sector, (2) category of plaintiff(s), (3) defendant(s), (4) highest adjudicatory body, and (5) law(s) at issue. This provides information relevant for understanding the cases, the key actors in climate litigation, and the laws invoked. The dominant sector categorization gives a more granular view of the five broad case categories. Many cases involve multiple litigants or claims, and in these cases all litigant categories and climate-relevant laws were counted. As a result, numbers in the tables below regarding litigants and laws at issue exceed the total number of cases analyzed. Further, an effort was made to ensure that multiple cases were consolidated into a single case if they involve the same substantive issue.

**3. PRIMARY FEATURES OF THE CLIMATE CHANGE LITIGATION RESPONSE TO DEREGULATION**

**3.1 How Do These Cases Respond to Climate Change Deregulation?**

Integrating Consideration of Climate Change into Environmental Review and Permitting was the dominant category of cases, making up nearly half (49%) of those analyzed for this paper. The proportion of cases in the review and permitting category increased from the first two years of the Trump administration to the final two years. During the first two years, such cases made up 34%, and during the final two years they made up 60%. This was not a result of fewer overall cases being filed, as climate cases increased in the final two years of the Trump administration, so both the proportion and the raw number of environmental permitting and review cases increased. Rather, the increased proportion of permitting cases suggests a growing effort by plaintiffs to check the Trump administration's omission of climate change from its permitting decisions and its actions with regard to endangered species.

Accounting for a significant part of the uptick in environmental permitting cases were dozens filed by two environmental NGOs -- the Center for Biological Diversity and WildEarth Guardians. These two groups filed 41 such cases from 2017 through January 20, 2021, with the Center for Biological Diversity alone responsible for 30. The cases brought by the groups interacted with Trump administration deregulation in a variety of ways, but two notable focal points were fights against ***oil*** and gas leasing and endangered species listing/delisting decisions. These cases relied primarily on theories based in the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). Combined with other groups' efforts to combat Trump administration efforts to lease federal land for fossil fuel development and to expedite development in endangered species territory, these cases represent a growing movement by environmental groups to inject climate change into such permitting decisions.

The increase in environmental permitting and review cases coincided with a decrease in two types of cases -- demanding transparency from the Trump administration and supporting climate deregulation. In the first two years of the administration, climate deregulation cases, or all those categorized as "con" climate protection, accounted for 19% of the cases filed. In the final two years, they accounted for only 6%, resulting in the 11% figure over the full four years. n8 This decrease in "con" cases may reflect the growing entrenchment of the Trump administration's policies in federal agencies in its latter two years. As federal policy became increasing aligned with an ideology of climate deregulation, litigants may have had less incentive to take the administration to court. Rather, climate case filings for "con" climate protection groups may have moved to state court, as a significant number of those cases eliminated from this study for sounding in state law would have been categorized as climate deregulation. n9 With this decrease, other categories of climate litigation made up larger proportions of the total claims.

The decrease in demanding transparency and scientific integrity claims by "pro" litigants may be more difficult to explain. In the first two years, transparency claims made up 17% of the whole, whereas in the final two years, they made up 6%. Together over the four years, these cases accounted for 10% of claims. One potential explanation for the decrease is that litigants utilized FOIA claims in the first two years to bolster more substantive claims in the final two years. Another potential explanation is that litigants shifted resources towards substantive claims in response to the administration's deregulatory efforts in the final two years.

Two categories of cases, defending climate change policies and decisions and advancing or enforcing climate protections, maintained a steady proportion of the total climate cases throughout the four years. At the end of the four years, defense cases made up 13% of the 378 filed, and advancement cases made up 16%. Observers may have expected defense of Obama-era policy cases to decrease in the latter half of the Trump years, but this did not occur. This may reflect a continued steady rate of regulatory rollbacks during the latter two years of the administration and continuing efforts to combat those rollbacks. For instance, the administration finalized one of its most significant rollbacks, the Affordable Clean Energy Rule's replacement of the Clean Power Plan, in July 2019. n10 The cases filed to combat that rule, consolidated here in *American Lung Association v. EPA*, were thus filed in the latter half of the administration in 2019. For the advancing or enforcing climate protection claims, the steady stream of cases was bolstered in part by continued filings by state and local governments against fossil fuel companies under liability and climate misinformation claims.

[SEE Climate Change Litigation Categories (2017-Jan 20, 2021) IN ORIGINAL]

*Figure 1: See Appendix A and Appendix C for underlying data. Each of the 378 cases was assigned one primary category. The four "pro" climate protection categories are marked with shades of blue and the one "con" climate protection category is shaded in orange*. n11

[SEE Climate Change Litigation Categories (2019-Jan 20, 2021) IN ORIGINAL]

*Figure 2: See Appendix A for underlying data. The final data set includes 219 cases filed between 2019 and the end of the Trump administration on January 20, 2021*.

[SEE Climate Change Litigation Categories (2017-18) IN ORIGINAL]

*Figure 3: See Appendix C for underlying data. The data set includes 154 cases filed between 2017 and 2018 and 5 filed before 2017 for a total of 159*.

**3.2 Who are the Litigants?**

**3.2.1 Plaintiffs/Petitioners**

The vast majority of plaintiffs responding to Trump administration deregulation efforts were "pro" climate regulation and climate protection. In the 378 cases analyzed, the plaintiffs/petitioners in 335 cases were "pro" climate protection, while plaintiffs/petitioners in 43 cases were "con." In other words, 89% of the cases were "pro" cases and 11% were "con" cases. The proportion of "pro" cases increased in the final two years of the Trump administration, where 94% (or 206 out of 219) were "pro" cases. Responding to an administration committed to climate deregulation, nearly nine out of ten litigants seeking to shape federal climate law and policy over the full term were aiming to strengthen climate regulation.

The litigators filing cases during the Trump administration were most commonly non-governmental organizations (NGOs), followed in decreasing order by government entities, industry, individuals, and labor groups. As described below, many cases included multiple litigators (e.g., both NGOs and governments as plaintiffs in the same case), so percentages add up to more than 100%. NGOs were a filing party in 71% (or 270/378) of cases brought during the four years, and local, state, and tribal government entities filed in 26% (99/378) cases. Among the three least common groups, industry filed in 12%, individuals in 9%, and labor in 1%. In the final two years of the administration, the makeup of plaintiffs and petitioners stayed relatively consistent with the first two years, albeit with a slight uptick in cases filed by NGOs and governments, and a slight downtick in cases filed by industry, individuals, and labor. From 2019 until January 20, 2021, NGOs filed in 74% (163/219), government entities in 28%, industry in 9%, individuals in 8%, and labor in <1%.

In many litigation matters, plaintiffs filed together or filed against the same defendant(s) on the same substantive matter. As a result, the total number of cases reflected in Figures 4-9 below exceed the total number of cases analyzed. For instance, and as was the case in several "pro" cases, in *N*e *w York v. National Highway Traffic Safety Administration*, state governments, city governments, international/national environmental NGOs, and local NGOs all challenged the penalty reduction for violations of vehicle standards.

[SEE Plaintiff/Petitioner Involvement (2017-Jan 20, 2021) IN ORIGINAL]

*Figure 4: See Appendix A and Appendix C for underlying data. In many cases, more than one type of litigant filed, resulting in total numbers higher than the 378 case dataset*.

[SEE Plaintiff/Petitioner Involvement (2019-Jan 20, 2021) IN ORIGINAL]

*Figure 5: See Appendix A for underlying data. The makeup of filing parties stayed relatively consistent in the final two years of the administration, with slight percentage increases in cases filed by NGOs and governments*.

In "pro" climate cases, NGOs were a filing party in the about three fourths of claims, making up 78% (260/335). Among the NGOs that filed cases, this analysis further breaks down filing parties into international/national environmental NGOs (e.g., Center for Biological Diversity, Natural Resources Defense Council, Sierra Club, and others) and other NGOs. Making up the majority of those in the category "Other NGOs" were local environmental groups like the named plaintiff in *Diné Citizens Against Ruining Our Environment v. U.S. Bureau of Land Management*. As the table below implies and the data in Appendix A shows, many cases involved both international/national environmental NGOs and local NGOs filing together. NGOs were plaintiffs in consistent proportions throughout the four years, as in the final two years of the Trump administration, they filed in 78% (161/206) of "pro" cases.

The second most common grouping of plaintiffs in "pro" cases were governments. Government entities filed in 27% (92/335) of "pro" cases. n12 As might be expected, the federal government filed no "pro" climate cases during its four years, whereas state, local, and tribal governments (in that order) filed several such cases.

In the final two years of the administration, industry groups filed a relatively larger proportion of "pro" cases, filing in 6% (12/206). The industry category is made of private companies and trade associations, and the trade groups that filed included those representing renewable energy, fishermen, and farmers.

[SEE Plaintiff/Petitioner Involvement in "Pro" Cases (2017-Jan 20, 2021) IN ORIGINAL]

*Figure 6: See Appendix A and Appendix C for underlying data. Total categories are marked in dark blue and subset categories are marked in lighter blue. Because multiple litigants filed in the same case, sums of subset totals are higher than category totals*.

[SEE Plaintiff/Petitioner Involvement in "Pro" Cases (2019-Jan 20, 2021) IN ORIGINAL]

*Figure 7: See Appendix A for underlying data*.

In "con" climate cases, industry groups were plaintiffs/petitioners in the largest share of cases, followed by NGOs, governments, individuals, and labor. Industry groups filed in 65% (28/43) of "con" cases, while NGOs filed in 23% (10/43). As described above, the industry group category is made up of both private companies and trade groups. Industry actors may be underrepresented in the overall figures because they intervene in cases at a high rate, and interventions are not tracked in this analysis. Trade groups and companies that filed in "con" cases included most commonly fossil fuel companies and fossil fuel industry associations, but also restaurant groups and automobile dealers. Two of the relatively small number of NGOs that filed were the Competitive Enterprise Institute and Energy Policy Advocates. The federal government's only involvement as a plaintiff/petitioner came in "con" cases. As described above, "con" cases declined in the latter two years of the administration, when only 13 such cases were filed. In the limited data of these latter two years, industry (54% or 7/13) and NGO (15% or 2/13) plaintiffs declined as a percentage of cases filed in those years.

[SEE Plaintiff/Petitioner Involvement in "Con" Cases (2017-Jan 20, 2021) IN ORIGINAL]

*Figure 8: See Appendix A and Appendix C for underlying data. Total categories are marked in dark orange and subset categories are marked in lighter orange. Because multiple litigants filed in the same case, subset totals are higher than category totals*.

[SEE Plaintiff/Petitioner Involvement in "Con" Cases (2019-Jan 20, 2021) IN ORIGINAL]

*Figure 9: See Appendix A for underlying data*.

**3.2.2 Defendants**

The federal government was a defendant in the vast majority of climate cases filed throughout the Trump administration. Cases naming a federal agency or a federal official acting in their official capacity as defendants made up 84% (314/373) n13 of those filed. Industry and local/state governments, tied for the second most common type of defendant, were defendants in 9% of cases (or 34/373 for industry, and 33/373 for governments). The vast majority of industry defendants were fossil fuel companies, often in climate liability or climate misinformation cases. Critics of fossil fuel companies round out the final category of defendants in five cases, where individuals were sued for alleged damages stemming from protesting fossil fuel development.

Parties named categories of defendants at similar rates in the final two years of the Trump administration as in the first two years. The federal government was a named defendant in 88% (192/219), industry in 9% (19/219), and local/state-level government in 7% (16/219) in the final two years.

[SEE Type of Defendant (2017-Jan 20, 2021) IN ORIGINAL]

*Figure 10: See Appendix A and Appendix C for underlying data. Sums are slightly higher than the total case count in the dataset because some cases named both federal government entities and industry and/or state government entities as defendants. Defendants in both "pro" and "con" cases are counted together in these charts*.

[SEE Type of Defendant (2019-Jan 20, 2021) IN ORIGINAL]

*Figure 11: See Appendix A for underlying data. Categories of defendants were named in similar rates in the latter two years as the former two years of the Trump administration*.

Plaintiffs sued many agencies of the federal government in their climate suits during the Trump administration, but focused the greatest number against the Department of Interior (DOI) and the second most against the Environmental Protection Agency (EPA). DOI was by far the most common defendant, named in 35% (132/373) of cases, and EPA was a named defendant in 17% (63/373). Many suits named multiple agencies as defendants in the same case, resulting in the sum being higher than the number of cases with federal government named as a defendant above (314). In figures 12 and 13, cases against a subsidiary agency (e.g., the U.S. Fish and Wildlife Service (FWS)) were counted as cases against their parent agency (e.g., DOI). Where both a subsidiary and the parent agency were named in the same suit (e.g., Bureau of Land Management (BLM) and DOI), the defendant parent agency (DOI) was counted once. Plaintiffs named DOI as a defendant in several endangered species and ***oil*** and gas leasing cases. Where an agency official was sued in their official capacity, the defendant was counted as the agency for which the official worked. Within the DOI, FWS and BLM were the most common bureaus named as defendants (see figures 14-15).

Suits against the U.S. Army Corps of Engineers (USACE), the Department of Commerce (DOC), and the Department of Transportation (DOT) increased significantly in the final two years of the Trump administration relative to the first two years. In the final two years, USACE were defendants in 11%, DOC in 11%, and DOT in 8%.

[SEE Federal Government Defendants (2017-Jan 20, 2021) IN ORIGINAL]

*Figure 12: See Appendix A and Appendix C for underlying data. Many suits named multiple agencies as defendants. Where subsidiary agencies were named, cases were counted as naming the parent agency*. *Defendants in both "pro" and "con" cases are counted together in these charts*.

[SEE Federal Government Defendants (2019-Jan 20, 2021) IN ORIGINAL]

*Figure 13: See Appendix A for underlying data*.

[SEE DOI Bureau Defendants (2017-Jan 20, 2021) IN ORIGINAL]

*Figure 14: See Appendix A and Appendix C for underlying data. Plaintiffs often sued the DOI and one or more of its bureaus in the same case. Some cases also involved multiple bureaus named as defendants*.

[SEE DOI Bureau Defendants (2019-Jan 20, 2021) IN ORIGINAL]

*Figure 15: See Appendix A for underlying data*.

**3.3 What is the Substance of the Litigation?**

The climate litigation response to Trump administration deregulation covered a broad variety of substantive sectors. For the purposes of this analysis, each case was assigned one dominant sector. The two most common tracked in this analysis were "impacts on climate, land, water, and wildlife" (the dominant sector in 31% of cases) and "fossil fuel extraction, processing and transport" (26%). These sectors often corresponded with fights over individual projects -- whether a development project allegedly failed to consider climate impact on wildlife, or whether a fossil fuel pipeline allegedly failed to consider climate emissions. The number of cases in each sector, however, does not necessarily capture their potential impact on climate change. Suits against agency rules on economy-wide emissions, like power plant or vehicle emissions, were lower in number but could have an outsized impact on the federal policy and legal response to climate change.

In the second half of the Trump administration, the same two sectors dominated. Impacts on climate, land, water, and wildlife cases made up 42% of those filed in the final two years, reflecting growing numbers of fights over endangered species impacts or other climate concerns from individual projects. The growing number of such impacts cases, alongside a steadily high number of fossil fuel extraction, processing, and transport cases, corresponded with increased filings by NGOs, increased naming of agencies like the DOI as defendants, and increased invocation of laws like NEPA and the ESA (more on the laws invoked below).

[SEE Cases by Sector (2017-Jan. 20, 2021) IN ORIGINAL]

*Figure 16: See Appendix A and Appendix C for underlying data. Each case was assigned one sector. Many "impacts" and "fossil fuel extraction" cases involved fights over individual projects, whereas several "vehicle emissions" and "power plants" cases involved suits over broader rules*.

[SEE Cases by Sector (2019-Jan. 20, 2021) IN ORIGINAL]

*Figure 17: See Appendix A for underlying data. Each case was assigned one sector. "Impacts" cases increased significantly in the final two years*.

The disputes most commonly invoked federal environmental law (in 66% of cases) and administrative law (in 48% of cases). Often, suits invoked more than one law in their climate claims, resulting in totals in the below chart higher than the overall case count. The final two years of the Trump administration saw notable increases in those invoking federal energy law (8 cases in the first two years, 21 in the final two), and federal environmental law (invoked in 76% of cases in the final two years).

[SEE Cases Involving Each Category of Law (2017-Jan 20, 2021) IN ORIGINAL]

*Figure 18: See Appendix A and Appendix C for underlying data. Several cases invoked multiple types of law in the same case. The Tort Law category includes claims based in state/local consumer protection law*.

[SEE Cases Involving Each Category of Law (2019-Jan 20, 2021) IN ORIGINAL]

*Figure 19. See Appendix A for underlying data*.

Cases invoking federal environmental law may be further broken down into four dominant environmental laws, where plaintiffs raised claims under NEPA in 57% of such cases (143/249). Similar to the sectoral analysis above, NEPA and ESA were often raised in disputes over individual projects, whereas a greater share of Clean Air Act (CAA) cases involved fights over agency rules. In NEPA cases, plaintiffs often challenged an environmental review for a project for failing to consider its impact on climate change, and in ESA cases, plaintiffs challenged listing and delisting decisions for failing to consider climate impacts on wildlife. Together, "pro" side litigation invoking these laws represented efforts by plaintiffs to force further judicial and agency consideration of the laws in light of climate change, and to prevent federal attacks on the laws. Absent an executive branch willing to invoke the laws to regulate climate impacts, plaintiffs turned to the courts to shape their understanding and impact. The second half of the Trump administration saw an especially strong increase in ESA claims, to 32% (53/167) of cases invoking federal environmental law in the final two years.

[SEE Number of Cases Involving Federal Environmental Statutes (2017-Jan 20, 2021) IN ORIGINAL]

*Figure 20: See Appendix A and Appendix C for underlying data. Some cases invoked multiple types of environmental statutes in the same case (e.g., NEPA and ESA)*.

[SEE Number of Cases Involving Federal Environmental Statutes (2019-Jan 20, 2021) IN ORIGINAL]

*Figure 21: See Appendix A for underlying data*.

**4. CONCLUSION**

In response to a presidential administration uniquely committed to climate deregulation, hundreds of litigants turned to the judiciary. At least 378 cases filed in courts across the United States responded to or interacted with the Trump administration's agenda of climate deregulation. Of those, 89% aimed at climate protection or weakening climate deregulation and 11% aimed at furthering climate deregulation or undermining those seeking climate protection. Pro-climate protection plaintiffs filed the greatest number of cases aiming to integrate climate change into environmental review and permitting, but also filed cases in significant numbers to defend climate policies, demand transparency, and advance climate protections. The most common plaintiffs/petitioners in "pro" cases were NGOs, followed next by government entities, and the most common filing parties in "con" cases were industry actors. The federal government was by far the most common defendant in all cases, with the Department of Interior the most sued agency. In terms of the sectors implicated in the cases, the highest number raised claims based on the climate impacts on the environment, and the second highest number involved fossil fuel development. Litigants based their suits on federal environmental statutes and administrative law in high numbers, and cited the National Environmental Policy Act most often in their suits. Many of these trends reflect high numbers of cases filed by NGOs against the federal government alleging unlawful failure to consider climate change in their permitting of fossil fuel projects, or in their decisions regarding endangered species.

Further analysis could build on the numbers above and the data included below to paint an even fuller picture of climate litigation during Trump's four years in office. Researchers could analyze the success and failure of suits to stop the administration's deregulatory efforts, and the ways in which future lawsuits could build on these successes and learn from the failures. Further analysis could also give more depth to the relative weight and importance of certain cases, as raw numbers do not necessarily reflect the impact of cases on climate protection efforts. Some researchers may be interested in examining the different forces contributing to litigation strategies and tactics by different actors. As climate litigation enters a new era with a new presidential administration and increasing climate impacts with associated human harms, this further analysis could benefit a field growing in importance.

**APPENDIX A: 2019 - JAN. 20, 2021 CASES REVIEWED IN THE ANALYSIS**

The cases included in the data set are listed below and grouped by their trend categorization. The case summaries are taken from the Sabin-AP U.S. Climate Change Litigation database available at http://climatecasechart.com/us-climate-change-litigation/. Case status is not provided because this information is constantly evolving.

| **Defending Obama Administration Climate Policies & Decisions (Jan 1 - 20, 2021)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  |  |  |  |
| California v. | D.C. Cir. | Local/Regional | EPA | Clean Air Act (CAA) | Power | Challenge to EPA rule |
| EPA |  | Gov (States and |  |  | Plants, | setting a threshold for |
|  |  | Cities), NGO |  |  | Renewables, | determining whether |
|  |  | (Intl/Natl Envtl, |  |  | & Energy | greenhouse gas emissions |
|  |  | Local) |  |  | Efficiency | from new source |
|  |  |  |  |  |  | performance standard |
|  |  |  |  |  |  | source categories |
|  |  |  |  |  |  | contribute significantly to |
|  |  |  |  |  |  | dangerous air pollution. |
| California v. U.S. | 2d Cir. | Local/Regional | DOE | Energy Policy and | Appliance, | Challenge to U.S. |
| Department of |  | Gov (States and |  | Conservation Act (EPCA), | Industrial, | Department of Energy rule |
| Energy |  | Cities), NGO |  | Administrative Procedure Act | and | creating new product |
|  |  | (Intl/Natl Envtl, |  | (APA) | Building | classes for short cycle |
|  |  | Local) |  |  | Standards | washers and dryers in the |
|  |  |  |  |  |  | energy conservation |
|  |  |  |  |  |  | program. |

| **Defending Obama Administration Climate Policies & Decisions (Jan 1 - 20, 2021)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  |  |  |  |
| New York v. | D.C. Cir. | Local/Regional | EPA | Clean Air Act (CAA) | Power | Challenge to EPA's rule on |
| EPA |  | Gov (States and |  |  | Plants, | "Increasing Consistency |
|  |  | Cities), NGO |  |  | Renewables, | and Transparency in |
|  |  | (Intl/Natl Envtl, |  |  | & Energy | Considering Benefits and |
|  |  | Local) |  |  | Efficiency | Costs in the Clean Air Act |
|  |  |  |  |  |  | Rulemaking Process." |
|  |  |  |  |  |  |  |
| New York v. | 2d Cir. | Local/Regional | DOE | Energy Policy and | Appliance, | Challenge to final rule |
| U.S. Department |  | Gov (States and |  | Conservation Act (EPCA), | Industrial, | establishing an interim |
| of Energy |  | Cities) |  | Administrative Procedure Act | and | waiver process for test |
|  |  |  |  | (APA) | Building | procedures for the energy |
|  |  |  |  |  | Standards | efficiency program. |
|  |  |  |  |  |  |  |
| Renewable Fuels | D.C. Cir. | Trade | EPA | Clean Air Act (CAA) | Fossil Fuel | Challenge to EPA's |
| Association v. |  | Association |  |  | Extraction, | granting of small refinery |
| EPA |  |  |  |  | Processing, | exemptions from |
|  |  |  |  |  | & Transport | Renewable Fuel Standard |
|  |  |  |  |  |  | obligations. |

| **Defending Obama Administration Climate Policies & Decisions (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  |  |  |  |
| California v. U.S. | 9th Cir. | Local/Regional | DOE | Energy Policy and | Appliance, | Challenge to U.S. |
| Department of |  | Gov (States, |  | Conservation Act (EPCA) | Industrial, | Department of Energy's |
| Energy |  | Cities), NGO |  |  | and | final rules amending the |
|  |  | (Intl/Natl |  |  | Building | procedures for new or |
|  |  | Envtl, Local) |  |  | Standards | revised energy |
|  |  |  |  |  |  | conservation standards |
|  |  |  |  |  |  | and test procedures for |
|  |  |  |  |  |  | consumer products and |
|  |  |  |  |  |  | commercial/industrial |
|  |  |  |  |  |  | equipment. |
| California v. | D.C. Cir. | NGO | NHTSA, | Clean Air Act (CAA), Energy | Vehicle | Challenge to the Trump |
| Wheeler |  | (Intl/Natl | EPA, DOT | Policy and Conservation Act | Emissions & | administration's |
|  |  | Envtl, Local), |  | (EPCA), Administrative | Fuels | amendment of greenhouse |
|  |  | Local/Regional |  | Procedure Act (APA) |  | gas and fuel economy |
|  |  | Gov (States, |  |  |  | standards for passenger |
|  |  | Cities) |  |  |  | cars and light trucks. |

| **Defending Obama Administration Climate Policies & Decisions (2020)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  |  |  |  |
| California v. | N.D. Cal. | Local/Regional | EPA, | Clean Water Act (CWA), | Impacts on | Challenge to the Trump |
| Wheeler |  | Gov (States, | USACE | Administrative Procedure Act | Climate, | administration's |
|  |  | Cities) |  | (APA) | Land, | amendments to the Clean |
|  |  |  |  |  | Water, & | Water Act's definition of |
|  |  |  |  |  | Wildlife | "waters of the United |
|  |  |  |  |  |  | States." |
|  |  |  |  |  |  |  |
| California v. | D.C. Cir. | Local/Regional | EPA | Clean Air Act (CAA) | Fossil Fuel | Challenge to EPA |
| Wheeler |  | Gov (States, |  |  | Extraction, | amendments to the 2012 |
|  |  | Cities), NGO |  |  | Processing, | and 2016 new source |
|  |  | (Intl/Natl |  |  | & Transport | performance standards for |
|  |  | Envtl, Local) |  |  |  | the ***oil*** and gas sector. |
|  |  |  |  |  |  |  |
| Conservation Law | D. Mass | NGO | EPA, | Clean Water Act (CWA), | Impacts on | Challenge to the Trump |
| Foundation v. EPA |  | (Intl/Natl | USACE | Administrative Procedure Act | Climate, | administration's |
|  |  | Envtl, Local) |  | (APA) | Land, | amendments to the Clean |
|  |  |  |  |  | Water, & | Water Act's definition of |
|  |  |  |  |  | Wildlife | "waters of the United |
|  |  |  |  |  |  | States." |

| **Defending Obama Administration Climate Policies & Decisions (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  |  |  |  |
| Environmental | D.C. Cir. | NGO | EPA | Clean Air Act (CAA) | Fossil Fuel | Challenge to technical |
| Defense Fund v. |  | (Intl/Natl |  |  | Extraction, | amendments based on |
| Wheeler |  | Envtl, Local) |  |  | Processing, | reconsideration of the 2016 |
|  |  | Local/Regional |  |  | & Transport | new source performance |
|  |  | Gov (State) |  |  |  | standards for the ***oil*** and |
|  |  |  |  |  |  | gas sector. |
|  |  |  |  |  |  |  |
| Environmental | S.D.N.Y. | NGO | CEQ | National Environmental Policy | Impacts on | Challenge to amendments |
| Justice Health |  | (Intl/Natl |  | Act (NEPA), Administrative | Climate, | of the National |
| Alliance v. Council |  | Envtl, Local) |  | Procedure Act (APA) | Land, | Environmental Policy Act |
| on Environmental |  |  |  |  | Water, & | regulations. |
| Quality |  |  |  |  | Wildlife |  |
|  |  |  |  |  |  |  |
| Iowa Citizens for | D.D.C. | NGO | CEQ | National Environmental Policy | Animal | Lawsuit challenging the |
| Community |  | (Intl/Natl |  | Act (NEPA), Administrative | Feedlot | Council on Environmental |
| Improvement v. |  | Envtl, Local) |  | Procedure Act (APA) | Emissions | Quality's amendments of |
| Council on |  |  |  |  |  | the National |
| Environmental |  |  |  |  |  | Environmental Policy Act |
| Quality |  |  |  |  |  | regulations for unlawfully |
|  |  |  |  |  |  | limiting NEPA review |
|  |  |  |  |  |  | related to concentrated |
|  |  |  |  |  |  | animal feed operations. |

| **Defending Obama Administration Climate Policies & Decisions (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  |  |  |  |
| Natural Resources | 2d. Cir. | NGO | DOE | Energy Policy and | Appliance, | Challenge to U.S. |
| Defense Council, |  | (Intl/Natl |  | Conservation Act (EPCA) | Industrial, | Department of Energy |
| Inc. v. U.S. |  | Envtl, Local) |  |  | and | energy efficiency rule |
| Department of |  |  |  |  | Building | establishing a new product |
| Energy |  |  |  |  | Standards | class of residential |
|  |  |  |  |  |  | dishwashers. |
|  |  |  |  |  |  |  |
| Natural Resources | D.C. Cir. | NGO | EPA | Clean Air Act (CAA) | Impacts on | Challenge to revisions to |
| Defense Council, |  | (Intl/Natl |  |  | Climate, | the Refrigerant |
| Inc. v. Wheeler |  | Envtl), |  |  | Land, | Management Program's |
|  |  | Local/Regional |  |  | Water, & | 2016 extension to |
|  |  | Gov (States, |  |  | Wildlife | substitute refrigerants |
|  |  | Cities) |  |  |  | (originally consolidated |
|  |  |  |  |  |  | with industry challenge to |
|  |  |  |  |  |  | 2016 rule (Nos. 17-1016 |
|  |  |  |  |  |  | and 17-1017)). |
|  |  |  |  |  |  |  |
| Pascua Yaqui Tribe | D. Ariz. | Local/Regional | EPA, | Clean Water Act (CWA), | Impacts on | Challenge to the revised |
| v. EPA |  | Gov Entity | USACE | Administrative Procedure Act | Climate, | definition of "waters of the |
|  |  | (Tribes) |  | (APA) | Land, | United States" under the |
|  |  |  |  |  | Water, & | Clean Water Act. |
|  |  |  |  |  | Wildlife |  |

| **Defending Obama Administration Climate Policies & Decisions (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** |  |
|  |  | **Petitioner Type** |  |  |  |  |
| Puget Soundkeeper | W.D. Wash. | NGO | EPA, | Clean Water Act (CWA), | Impacts on | Challenge to the revised |
| Alliance v. EPA |  | (Intl/Natl | USACE | Administrative Procedure Act | Climate, | definition of "waters of the |
|  |  | Envtl, Local) |  | (APA) | Land, | United States" under the |
|  |  |  |  |  | Water, & | Clean Water Act. |
|  |  |  |  |  | Wildlife |  |
| Wild Virginia v. | W.D. Va. | NGO | CEQ | National Environmental Policy | Impacts on | Challenge to amendments |
| Council on |  | (Intl/Natl |  | Act (NEPA), Administrative | Climate, | to the National |
| Environmental |  | Envtl, Local) |  | Procedure Act (APA) | Land, | Environmental Policy Act |
| Quality |  |  |  |  | Water, & | regulations. |
|  |  |  |  |  | Wildlife |  |

| **Defending Obama Administration Climate Policies & Decisions (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  |  |  |  |
| American Lung | D.C. Cir. | NGO (Intl/Natl | EPA | Clean Air Act (CAA) | Power | Challenge to final rule |
| Association v. |  | Envtl), |  |  | Plants, | repealing the Clean Power |
| EPA |  | Local/State Gov |  |  | Renewables, | Plan and replacing it with |
|  |  | (Cities, States), |  |  | & Energy | the Affordable Clean |
|  |  | Trade Group |  |  | Efficiency | Energy rule. |
|  |  | (Wind, solar), |  |  |  |  |
|  |  | Companies |  |  |  |  |
|  |  | (Power) |  |  |  |  |
| Animal Legal | N.D. Cal. | NGO (Intl/Natl | DOI, DOC | Endangered Species Act (ESA), | Impacts on | Challenge to revision of |
| Defense Fund v. |  | Envtl) |  | Administrative Procedure Act | Climate, | the ESA regulations |
| Bernhardt |  |  |  | (APA) | Land, | eliminating regulations. |
|  |  |  |  |  | Water, & |  |
|  |  |  |  |  | Wildlife |  |
| California v. | N.D. Cal. | Local/State Gov | DOI, DOC, | Endangered Species Act (ESA), | Impacts on | Challenge to amendments |
| Bernhardt |  | (States, Cities) | FWS, NMFS | National Environmental Policy | Climate, | to Endangered Species Act |
|  |  |  |  | Act (NEPA), Administrative | Land, | regulations. |
|  |  |  |  | Procedure Act (APA) | Water, & |  |
|  |  |  |  |  | Wildlife |  |

| **Defending Obama Administration Climate Policies & Decisions (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  |  |  |  |
| California v. | D.D.C. | Local/State Gov | President | Administrative Procedure Act | Power | Federal Court Dismissed |
| Trump |  | (States) | Trump, | (APA), Take Care Clause, | Plants, | States' Challenge to |
|  |  |  | OMB, DOE, | Separation of Powers Doctrine | Renewables, | Trump Deregulatory |
|  |  |  | DOT, DOL, |  | & Energy | Executive Order. |
|  |  |  | DOI, EPA, |  | Efficiency |  |
|  |  |  | HHS |  |  |  |
| California v. U.S. | N.D. Cal. | Local/State Gov | DOT, | Administrative Procedure Act | Resilient | Challenge to the |
| Department of |  | (State) | Federal | (APA) | Infrastructure | termination of federal |
| Transportation |  |  | Railroad |  | & | funding for high-speed |
|  |  |  | Admin. |  | Development | rail project in California. |
| Center for | N.D. Cal. | NGO (Intl/Natl | DOI, DOC, | Endangered Species Act (ESA), | Impacts on | Challenge to amendments |
| Biological |  | Envtl) | FWS, NMFS | National Environmental Policy | Climate, | to the Endangered Species |
| Diversity v. |  |  |  | Act (NEPA), Administrative | Land, | Act regulations. |
| Bernhardt |  |  |  | Procedure Act (APA) | Water, & |  |
|  |  |  |  |  | Wildlife |  |
| Environmental | D.C. Cir. | NGO (Intl/Natl | EPA | Clean Air Act (CAA) | Landfill | Challenges to EPA's final |
| Defense Fund v. |  | Envtl), |  |  | Emissions | rule extending certain |
| EPA |  | Local/Regional |  |  |  | implementation deadlines |
|  |  | Gov (States) |  |  |  | for the 2016 emission |
|  |  |  |  |  |  | guidelines for municipal |
|  |  |  |  |  |  | solid waste landfills. |

| **Defending Obama Administration Climate Policies & Decisions (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  |  |  |  |
| Natural | 2d Cir. | NGO (Intl/Natl | DOE | Energy Policy and | Appliance, | Challenge to the U.S. |
| Resources |  | Envtl, Local) |  | Conservation Act (EPCA); | Industrial, | Department of Energy's |
| Defense Council |  |  |  | Energy Independence and | e and | withdrawal of a final rule |
| v. U.S. |  |  |  | Security Act (EISA) | Building | adopted in January 2017 |
| Department of |  |  |  |  | Standards | expanding the types of |
| Energy |  |  |  |  |  | lightbulbs subject to |
|  |  |  |  |  |  | backstop energy |
|  |  |  |  |  |  | conservation standards set |
|  |  |  |  |  |  | to take effect in 2020. |
| New York v. | 2d Cir. | Local/State Gov | NHTSA | Energy Policy and | Vehicle | Challenge to the reversal |
| National |  | (States, City), |  | Conservation Act (EPCA), | Emissions & | of an inflation adjustment |
| Highway Traffic |  | NGO (Intl/Natl |  | Energy Independence and | Fuels | to the civil penalty for |
| Safety |  | Envtl) |  | Security Act (EISA), Federal |  | violations of Corporate |
| Administration |  |  |  | Civil Penalties Inflation |  | Average Fuel Economy |
|  |  |  |  | Adjustment Act Improvements |  |  |
|  |  |  |  |  |  | standards. |
|  |  |  |  | Act of 2015 |  |  |
| New York v. | D.C. Cir. | Local/State Gov | NHTSA | Clean Air Act (CAA) | Vehicle | Challenge to final rule |
| National |  | (States) |  |  | Emissions & | reducing penalties for |
| Highway Traffic |  |  |  |  | Fuels | violations of fuel economy |
| Safety |  |  |  |  |  | standards |
| Administration |  |  |  |  |  |  |
| New York v. | 2d Cir. | Local/State Gov | DOE | Energy Policy and | Appliance, | Challenge to the U.S. |
| U.S. Department |  | (States, Cities) |  | Conservation Act (EPCA), | Industrial, | Department of Energy's |
| of Energy |  |  |  | Energy Independence and | e and | withdrawal of a final rule |
|  |  |  |  | Security Act (EISA) | Building | adopted in January 2017 |
|  |  |  |  |  | Standards | expanding the types of |
|  |  |  |  |  |  | lightbulbs subject to |
|  |  |  |  |  |  | backstop energy |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2020)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| California Air | D.D.C. | Local/Regional | EPA, NHTSA | Freedom of | Gov. Records or | Freedom of Information Act |
| Resources |  | Gov (State) |  | Information Act | Communications | lawsuit seeking EPA records |
| Board v. EPA |  |  |  | (FOIA) | Request | supporting determination that |
|  |  |  |  |  |  | CARB's zero-emission vehicle |
|  |  |  |  |  |  | regulations would not impact |
|  |  |  |  |  |  | emissions of criteria pollutants |
|  |  |  |  |  |  | or interfere with California's |
|  |  |  |  |  |  | attainment of air quality |
|  |  |  |  |  |  | standards. |
| Center for | D.D.C. | NGO | DOE | Freedom of | Gov. Records or | Freedom of Information Act |
| Biological |  | (Intl/Natl |  | Information Act | Communications | lawsuit seeking records |
| Diversity v. |  | Envtl) |  | (FOIA) | Request | related to the North American |
| U.S. |  |  |  |  |  | Energy Resilience Model |
| Department |  |  |  |  |  | project. |
| of Energy |  |  |  |  |  |  |
| Western | D. Mont. | NGO | DOE | Federal | Fossil Fuel | Lawsuit challenging the U.S. |
| Organization |  | (Intl/Natl |  | Advisory | Extraction, | Department of Energy's |
| of Resource |  | Envtl) |  | Committee Act | Processing, & | administration of the National |
| Councils v. |  |  |  |  | Transport | Coal Council. |
| Brouillette |  |  |  |  |  |  |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| California Air | D.D.C. | Local/State | EPA, NHTSA, | Freedom of | Gov. Records or | Freedom of Information Act |
| Resources Board |  | Gov (State) | DOT | Information Act | Communications | lawsuit seeking information |
| v. EPA |  |  |  | (FOIA) | Request | underlying proposed federal |
|  |  |  |  |  |  | rollbacks of vehicle emission |
|  |  |  |  |  |  | and fuel economy standards. |
| Center for | D.D.C. | NGO | NHTSA | Freedom of | Vehicle Emissions | Freedom of Information Act |
| Biological |  | (Intl/Natl |  | Information Act | & Fuels | lawsuit seeking records from |
| Diversity v. |  | Envtl) |  | (FOIA) |  | the National Highway Traffic |
| National |  |  |  |  |  | Safety Administration on the |
| Highway Traffic |  |  |  |  |  | determination that vehicle |
| Safety |  |  |  |  |  | standards rule did not require |
| Administration |  |  |  |  |  | Endangered Species Act |
|  |  |  |  |  |  | consultation. |
| Center for | C.D. Cal. | NGO | NOAA | Freedom of | Gov. Records or | Freedom of Information Act |
| Biological |  | (Intl/Natl |  | Information Act | Communications | lawsuit seeking records |
| Diversity v. |  | Envtl) |  | (FOIA) | Request | concerning denial of petition |
| National |  |  |  |  |  | to list the climate change-threatened |
| Oceanic & |  |  |  |  |  | Pacific Bluefin |
| Atmospheric |  |  |  |  |  | tuna as threatened or |
| Administration |  |  |  |  |  | endangered. |
| Democracy | D.D.C. | NGO (Other) | NOAA | Freedom of | Gov. Records or | Freedom of Information Act |
| Forward |  |  |  | Information Act | Communications | lawsuit seeking records |
| Foundation v. |  |  |  | (FOIA) | Request | regarding removal of acting |
| National |  |  |  |  |  | administrator of National |
| Oceanic & |  |  |  |  |  | Oceanic and Atmospheric |
| Atmospheric |  |  |  |  |  | Administration. |
| Administration |  |  |  |  |  |  |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2019)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Environmental | D.D.C. | NGO | DOI, NOAA, | Freedom of | Gov. Records or | Freedom of Information Act |
| Defense Fund v. |  | (Intl/Natl | NASA | Information Act | Communications | lawsuit seeking records |
| US Department |  | Envtl) |  | (FOIA) | Request | related to establishment of a |
| of the Interior |  |  |  |  |  | White House panel to review |
|  |  |  |  |  |  | climate science. |
| Gwich'in | D. Alaska | NGO | DOI, BLM, | Freedom of | Gov. Records or | Freedom of Information Act |
| Steering |  | (Intl/Natl | FWS | Information Act | Communications | lawsuit seeking documents in |
| Committee v. |  | Envtl, Local) |  | (FOIA) | Request | response to nine requests for |
| US Dept of |  |  |  |  |  | federal agencies' records |
| Interior |  |  |  |  |  | related to implementation of |
|  |  |  |  |  |  | an ***oil*** and gas leasing |
|  |  |  |  |  |  | program on the Coastal Plain |
|  |  |  |  |  |  | of the Arctic National Wildlife |
|  |  |  |  |  |  | Refuge. |
| Sierra Club v. | D.D.C. | NGO | EPA | Freedom of | Gov. Records or | Freedom of Information |
| EPA |  | (Intl/Natl |  | Information Act | Communications | lawsuit against EPA seeking |
|  |  | Envtl) |  | (FOIA) | Request | records supporting EPA |
|  |  |  |  |  |  | Administrator Andrew |
|  |  |  |  |  |  | Wheeler's assertions about |
|  |  |  |  |  |  | climate change in a March |
|  |  |  |  |  |  | 2019 television interview. |
| Sierra Club v. | N.D. Cal. | NGO | DOI | Freedom of | Gov. Records or | Freedom of Information Act |
| U.S. Department |  | (Intl/Natl |  | Information Act | Communications | lawsuit seeking to compel the |
| of Interior |  | Envtl) |  | (FOIA) | Request | Department of Interior to |
|  |  |  |  |  |  | update its searches for Interior |
|  |  |  |  |  |  | officials' external |
|  |  |  |  |  |  | communications. |
| Sierra Club v. | N.D. Cal. | NGO | SEC | Freedom of | Gov. Records or | Freedom of Information Act |
| U.S. Securities & |  | (Intl/Natl |  | Information Act | Communications | lawsuit seeking external |
| Exchange |  | Envtl) |  | (FOIA) | Request | communications and internal |
| Commission |  |  |  |  |  | records from the U.S. |
|  |  |  |  |  |  | Securities and Exchange |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  |  |  | Commission regarding |
|  |  |  |  |  |  | shareholder proposals on |
|  |  |  |  |  |  | climate change, greenhouse |
|  |  |  |  |  |  | gas emissions, and the Paris |
|  |  |  |  |  |  | Agreement. |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (Jan 1-20,** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **2021)** |  |  |  |  |  |  |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| California v. | N.D. Cal. | Local/Regional | DOI, DOC, | Endangered | Impacts on | Challenge to final rules under the |
| Bernhardt |  | Gov (States, | FWS, NMFS | Species Act (ESA), | Climate, | Endangered Species Act defining |
|  |  | City) |  | National | Land, | "habitat" and revising the |
|  |  |  |  | Environmental | Water, & | regulations for designating |
|  |  |  |  | Policy Act | Wildlife | critical habitat. |
|  |  |  |  | (NEPA), |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Clinch Coalition v. | W.D. Va. | NGO | USFS, USDA, | National | Impacts on | Lawsuit challenging three |
| U.S. Forest Service |  | (Intl/Natl | CEQ | Environmental | Climate, | categorical exclusions adopted by |
|  |  | Envtl, Local) |  | Policy Act | Land, | the U.S. Forest Service to exempt |
|  |  |  |  | (NEPA), | Water, & | certain projects from NEPA |
|  |  |  |  | Administrative | Wildlife | review. |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (Jan 1-20,** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **2021)** |  |  |  |  |  |  |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Conservation | D. Haw. | NGO | DOI, FWS, | Endangered | Impacts on | Challenge to final rule defining |
| Council for Hawai'i |  | (Intl/Natl | DOC, NMFS | Species Act (ESA), | Climate, | "habitat" under the Endangered |
| v. Bernhardt |  | Envtl, Local) |  | National | Land, | Species Act. |
|  |  |  |  | Environmental | Water, & |  |
|  |  |  |  | Policy Act | Wildlife |  |
|  |  |  |  | (NEPA), |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Environmental | D.D.C. | NGO | EPA | Clean Air Act | Fossil Fuel | Clean Air Act citizen suit seeking |
| Integrity Project v. |  | (Intl/Natl |  | (CAA) | Extraction, | to compel EPA to respond to |
| Wheeler |  | Envtl, Local) |  |  | Processing, | petitions requesting that EPA |
|  |  |  |  |  | & Transport | object to Title V permits issued by |
|  |  |  |  |  |  | the Texas Commission on |
|  |  |  |  |  |  | Environmental Quality for eight |
|  |  |  |  |  |  | facilities. |
| New York v. Ross | S.D.N.Y. | Local/Regional | DOC, NOAA, | Administrative | Impacts on | Challenge to allocation of annual |
|  |  | Gov (State) | NMFS | Procedure Act | Climate, | quota for summer flounder. |
|  |  |  |  | (APA), | Land, |  |
|  |  |  |  | Magnuson- | Water, & |  |
|  |  |  |  | Stevens Act | Wildlife |  |
| Western Watersheds | D. Ariz. | NGO | USDA, USFS | National | Impacts on | Challenge to the U.S. Forest |
| Project v. Perdue |  | (Intl/Natl |  | Environmental | Climate, | Service's authorization of |
|  |  | Envtl, Local) |  | Policy Act | Land, | livestock grazing on 270,000 acres |
|  |  |  |  | (NEPA), | Water, & | in the Apache-Sitgreaves and |
|  |  |  |  | Administrative | Wildlife | Gila National Forests in Arizona |
|  |  |  |  | Procedure Act |  | and New Mexico |
|  |  |  |  | (APA) |  |  |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (Jan 1-20,** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **2021)** |  |  |  |  |  |  |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| WildEarth | D.D.C. | NGO | DOI, BLM | National | Fossil Fuel | Challenge to the environmental |
| Guardians v. |  | (Intl/Natl |  | Environmental | Extraction, | reviews for ***oil*** and gas leases in |
| Bernhardt |  | Envtl) |  | Policy Act | Processing, | Colorado, New Mexico, Utah, |
|  |  |  |  | (NEPA), | & Transport | and Wyoming. |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| WildEarth | D. Mont. | NGO | BLM, DOI | National | Fossil Fuel | Lawsuits challenging the U.S. |
| Guardians v. U.S. |  | (Intl/Natl |  | Environmental | Extraction, | Bureau of Land Management's |
| Bureau of Land |  | Envtl, Local) |  | Policy Act | Processing, | ***oil*** and gas leases on public lands |
| Management |  |  |  | (NEPA), | & Transport | in Montana and North Dakota |
|  |  |  |  | Administrative |  | between July 2019 and September |
|  |  |  |  | Procedure Act |  | 2020. |
|  |  |  |  | (APA) |  |  |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Alaska Community | N.D. Cal. | NGO (Intl/Natl | CEQ | National | Impacts on | Challenge to amendments to |
| Action on Toxics v. |  | Envtl, Local), |  | Environmental | Climate, | the National Environmental |
| Council on |  | Individuals, |  | Policy Act (NEPA), | Land, Water, | Policy Act regulations |
| Environmental |  | Local/Regional |  | Administrative | & Wildlife |  |
| Quality |  | Gov (States, |  | Procedure Act |  |  |
|  |  | Cities, Guam, |  | (APA) |  |  |
|  |  | County) |  |  |  |  |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Alatna Village | D. Alaska | Local/Regional | BLM, DOI, | National | Impacts on | Challenge to federal |
| Council v. Padgett |  | Gov (Tribes) | USACE, NPS, | Environmental | Climate, | approvals of a 211-mile |
|  |  |  | DOT | Policy Act (NEPA), | Land, Water, | mining access road in Alaska. |
|  |  |  |  | National Historic | & Wildlife |  |
|  |  |  |  | Preservation Act |  |  |
|  |  |  |  | (NHPA), Federal |  |  |
|  |  |  |  | Land Policy and |  |  |
|  |  |  |  | Management Act |  |  |
|  |  |  |  | (FLPMA), Clean |  |  |
|  |  |  |  | Water Act (CWA), |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Animal Legal | N.D. Cal. | NGO (Intl/Natl | DHHS, FDA | National | Animal | Challenge to the U.S. Food |
| Defense Fund v. |  | Envtl) |  | Environmental | Feedlot | and Drug Administration's |
| Azar |  |  |  | Policy Act (NEPA) | Emissions | approval of a drug intended |
|  |  |  |  |  |  | to reduce the amount of |
|  |  |  |  |  |  | ammonia gas released from |
|  |  |  |  |  |  | the waste produced by cows |
|  |  |  |  |  |  | raised for beef. |
| AquAlliance v. U.S. | E.D. Cal. | NGO (Local), | US Bureau of | National | Impacts on | Challenge to environmental |
| Bureau of |  | Local/Regional | Reclamation, | Environmental | Climate, | review and approval of a |
| Reclamation |  | Gov (State) | DOI, | Policy Act (NEPA), | Land, Water, | 2019-2024 water transfer |
|  |  |  | Local/Regional | Administrative | & Wildlife | program for the sale of water |
|  |  |  | Gov (Water | Procedure Act |  | by sellers upstream of the |
|  |  |  | Authority) | (APA), Public Trust |  | Sacramento-San Joaquin Delta |
|  |  |  |  | Doctrine |  | to buyers south of the Delta. |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Backcountry | E.D. Cal. | NGO (Local), | BIA, DOI | National | Impacts on | Challenge to authorization of |
| Against Dumps v. |  | Individuals |  | Environmental | Climate, | a lease for development, |
| U.S. Bureau of |  |  |  | Policy Act (NEPA), | Land, Water, | construction, operation, and |
| Indian Affairs |  |  |  | Migratory Bird | & Wildlife | maintenance of renewable |
|  |  |  |  | Treaty Act, Bald and |  | energy generation facilities, |
|  |  |  |  | Golden Eagle |  | including 60 wind turbines. |
|  |  |  |  | Protection Act, |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Bold Alliance v. U.S. | D. Mont. | NGO (Intl/Natl | DOI, BLM, | Endangered Species | Fossil Fuel | Challenge to right-of-way and |
| Department of the |  | Envtl) | FWS | Act (ESA), National | Extraction, | temporary use permit for |
| Interior |  |  |  | Environmental | Processing, | Keystone XL to cross federal |
|  |  |  |  | Policy Act (NEPA), | & Transport | lands. |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Buffalo Field | D.D.C. | NGO (Intl/Natl | FWS | Endangered Species | Impacts on | Challenge to denial of request |
| Campaign v. |  | Envtl, Local) |  | Act (ESA), | Climate, | for status review of distinct |
| Skipwith |  |  |  | Administrative | Land, Water, | population segment of |
|  |  |  |  | Procedure Act | & Wildlife | Yellowstone bison. |
|  |  |  |  | (APA) |  |  |
| California v. Stout | C.D. Cal. | Local/Regional | DOI, BLM | National | Fossil Fuel | Lawsuit challenging the |
|  |  | Gov (State) |  | Environmental | Extraction, | supplemental environmental |
|  |  |  |  | Policy Act (NEPA) | Processing, | impact statement prepared by |
|  |  |  |  |  | & Transport | the U.S. Bureau of Land |
|  |  |  |  |  |  | Management for a resource |
|  |  |  |  |  |  | management plan allowing |
|  |  |  |  |  |  | hydraulic fracturing on |
|  |  |  |  |  |  | federal lands in California. |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Center for Biological | D.D.C. | NGO (Intl/Natl | DOI, FWS, | Endangered Species | Impacts on | Lawsuit challenging failure to |
| Diversity v. |  | Envtl, Local) | DOC, NOAA, | Act (ESA) | Climate, | designate critical habitat for |
| Bernhardt |  |  | NMFS |  | Land, Water, | distinct population segments |
|  |  |  |  |  | & Wildlife | of green sea turtles. |
| Center for Biological | D. Ariz. | NGO (Intl/Natl | DOI, FWS, | Endangered Species | Impacts on | Lawsuit challenging federal |
| Diversity v. |  | Envtl, Local) | USFS | Act (ESA), National | Climate, | defendants' failures to take |
| Bernhardt |  |  |  | Forest Management | Land, Water, | actions to protect the |
|  |  |  |  | Act (NFMA) | & Wildlife | endangered New Mexico |
|  |  |  |  |  |  | meadow jumping mouse. |
| Center for Biological | D. Ariz. | NGO (Intl/Natl | DOI, FWS, US | Endangered Species | Impacts on | Challenge to biological |
| Diversity v. |  | Envtl, Local) | Army | Act (ESA), | Climate, | opinions issued in connection |
| Bernhardt |  |  |  | Administrative | Land, Water, | with groundwater pumping |
|  |  |  |  | Procedure Act | & Wildlife | by a U.S. Army base in |
|  |  |  |  | (APA) |  | southeastern Arizona. |
| Center for Biological | E.D. La. | NGO (Intl/Natl | DOI, FWS | Endangered Species | Impacts on | Lawsuit to compel the U.S. |
| Diversity v. |  | Envtl, Local) |  | Act (ESA) | Climate, | Fish and Wildlife Service to |
| Bernhardt |  |  |  |  | Land, Water, | make a final determination on |
|  |  |  |  |  | & Wildlife | the proposed listing of the |
|  |  |  |  |  |  | eastern black rail. |
| Center for Biological | N.D. Cal. | NGO (Intl/Natl | DOI, FWS | Endangered Species | Impacts on | Lawsuit to compel the U.S. |
| Diversity v. |  | Envtl, Local) |  | Act (ESA), | Climate, | Fish and Wildlife Service to |
| Bernhardt |  |  |  | Administrative | Land, Water, | issue a final determination on |
|  |  |  |  | Procedure Act | & Wildlife | the proposed listing of the |
|  |  |  |  | (APA) |  | Humboldt marten as a |
|  |  |  |  |  |  | threatened species. |
| Center for Biological | D. Mont. | NGO (Intl/Natl | DOI, BLM | Endangered Species | Impacts on | Lawsuit to compel a final |
| Diversity v. |  | Envtl, Local) |  | Act (ESA) | Climate, | listing determination on the |
| Bernhardt |  |  |  |  | Land, Water, | distinct population segment |
|  |  |  |  |  | & Wildlife | of the North American |
|  |  |  |  |  |  | wolverine. |
| Center for Biological | D.D.C. | NGO (Intl/Natl | DOI, FWS | Endangered Species | Impacts on | Lawsuit challenging the U.S. |
| Diversity v. |  | Envtl) |  | Act (ESA) | Climate, | Fish and Wildlife Service's |
| Bernhardt |  |  |  |  | Land, Water, | failure to determine whether |
|  |  |  |  |  | & Wildlife | eight species of Caribbean |
|  |  |  |  |  |  | skink warrant protection |
|  |  |  |  |  |  | under the Endangered Species |
|  |  |  |  |  |  | Act. |
| Center for Biological | D. Ariz. | NGO (Intl/Natl | DOI, FWS | Endangered Species | Impacts on | Action to compel response to |
| Diversity v. |  | Envtl, Local) |  | Act (ESA) | Climate, | a petition to revise the critical |
| Bernhardt |  |  |  |  | Land, Water, | habitat for Mount Graham red |
|  |  |  |  |  | & Wildlife | squirrel to include lower |
|  |  |  |  |  |  | elevation mixed-conifer forest. |
| Center for Biological | D.C. Cir. | NGO (Intl/Natl | FERC | National | Fossil Fuel | Challenge to Federal Energy |
| Diversity v. Federal |  | Envtl) |  | Environmental | Extraction, | Regulatory Commission |
| Energy Regulatory |  |  |  | Policy Act (NEPA), | Processing, | approvals of the Alaska LNG |
| Commission |  |  |  | Natural Gas Act | & Transport | Project, which includes a |
|  |  |  |  |  |  | liquefied natural gas terminal |
|  |  |  |  |  |  | in Alaska, an 807-mile gas |
|  |  |  |  |  |  | pipeline, and other related |
|  |  |  |  |  |  | infrastructure. |
| Center for Biological | D.D.C. | NGO (Intl/Natl | USACE | National | Impacts on | Challenge to Section 404 |
| Diversity v. U.S. |  | Envtl) |  | Environmental | Climate, | permit for new petrochemical |
| Army Corps of |  |  |  | Policy Act (NEPA), | Land, Water, | plant on the Mississippi River |
| Engineers |  |  |  | National Historic | & Wildlife | in Louisiana. |
|  |  |  |  | Preservation Act |  |  |
|  |  |  |  | (NHPA), Clean |  |  |
|  |  |  |  | Water Act (CWA), |  |  |
|  |  |  |  | Rivers and Harbors |  |  |
|  |  |  |  | Act, Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Center for Biological | C.D. Cal. | NGO (Intl/Natl | DOI, BLM | National | Fossil Fuel | Lawsuit challenging the |
| Diversity v. U.S. |  | Envtl, Local), |  | Environmental | Extraction, | supplemental environmental |
| Bureau of Land |  | Company |  | Policy Act (NEPA) | Processing, | impact statement prepared by |
| Management |  | (Patagonia), |  |  | & Transport | the U.S. Bureau of Land |
|  |  | Individuals |  |  |  | Management for a resource |
|  |  |  |  |  |  | management plan allowing |
|  |  |  |  |  |  | hydraulic fracturing on |
|  |  |  |  |  |  | federal lands in California. |
| Center for Biological | C.D. Cal. | NGO (Intl/Natl | DOI, BLM | National | Fossil Fuel | Challenge to approval of an |
| Diversity v. U.S. |  | Envtl, Local) |  | Environmental | Extraction, | application for a permit to |
| Bureau of Land |  |  |  | Policy Act (NEPA), | Processing, | drill in connection with a new |
| Management |  |  |  | Federal Land Policy | & Transport | well and pipeline within the |
|  |  |  |  | and Management |  | Carrizo Plain National |
|  |  |  |  | Act (FLPMA), |  | Monument in California. |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Center for Biological | E.D. Cal. | NGO (Intl/Natl | Bureau of | National | Impacts on | Lawsuit charging that the |
| Diversity v. U.S. |  | Envtl, Local) | Reclamation, | Environmental | Climate, | conversion of Central Valley |
| Bureau of |  |  | DOI | Policy Act (NEPA), | Land, Water, | Project "renewal contracts" |
| Reclamation |  |  |  | Administrative | & Wildlife | into "permanent repayment |
|  |  |  |  | Procedure Act |  | contracts" was a major federal |
|  |  |  |  | (APA) |  | action that required |
|  |  |  |  |  |  | compliance with NEPA. |
| Center for | 9th Cir. | Local/Regional | FAA, | National | Vehicle | Challenge to the Federal |
| Community Action |  | Gov Entity | Local/Regional | Environmental | Emissions & | Aviation Administration's |
| & Environmental |  | (State); NGO | Gov Entity | Policy Act (NEPA)) | Fuels | environmental review for an |
| Justice v. Federal |  | (Intl/Natl Envtl, | (County |  |  | air cargo facility in southern |
| Aviation |  | Local) | Airport |  |  | California. |
| Administration |  |  | Authority); |  |  |  |
|  |  |  | Company |  |  |  |
|  |  |  | (Developer) |  |  |  |
| Citizens for a | D. Colo. | NGO (Intl/Natl | BLM, DOI | National | Fossil Fuel | Challenge to the U.S. Bureau |
| Healthy |  | Envtl, Local) |  | Environmental | Extraction, | of Land Management's |
| Community v. U.S. |  |  |  | Policy Act (NEPA), | Processing, | approval of a revised |
| Bureau of Land |  |  |  | Federal Land Policy | & Transport | Resource Management Plan |
| Management |  |  |  | and Management |  | for the Uncompahgre Field |
|  |  |  |  | Act (FLPMA), |  | Office that expanded lands |
|  |  |  |  | Administrative |  | available to ***oil*** and gas |
|  |  |  |  | Procedure Act |  | leasing. |
|  |  |  |  | (APA) |  |  |
| Cottonwood | D. Mont. | NGO (Local) | USFS | National | Impacts on | Lawsuit alleging violations of |
| Environmental Law |  |  |  | Environmental | Climate, | the National Environmental |
| Center v. Marten |  |  |  | Policy Act (NEPA), | Land, Water, | Policy Act for failure to |
|  |  |  |  | Administrative | & Wildlife | prepare supplemental |
|  |  |  |  | Procedure Act |  | analyses of national forest |
|  |  |  |  | (APA) |  | plans and projects in light of |
|  |  |  |  |  |  | new information about |
|  |  |  |  |  |  | climate change. |
| Defenders of | S.D. Miss. | NGO (Intl/Natl | USACE, Miss. | Endangered Species | Impacts on | Lawsuit alleging that |
| Wildlife v. U.S. |  | Envtl, Local) | River | Act (ESA), | Climate, | consultation under the |
| Army Corps of |  |  | Commission | Administrative | Land, Water, | Endangered Species Act was |
| Engineers |  |  |  | Procedure Act | & Wildlife | required for the ongoing |
|  |  |  |  | (APA) |  | operations of the Bonnet |
|  |  |  |  |  |  | Carré Spillway. |
| Delaware | D.N.J. | NGO (Local) | USACE | National | Fossil Fuel | Challenge to permits issued |
| Riverkeeper |  |  |  | Environmental | Extraction, | by the U.S. Army Corps of |
| Network v. U.S. |  |  |  | Policy Act (NEPA), | Processing, | Engineers for a docking |
| Army Corps of |  |  |  | Clean Air Act | & Transport | facility in New Jersey to |
| Engineers |  |  |  | (CAA), Clean Water |  | transport liquefied natural gas |
|  |  |  |  | Act (CWA), Rivers |  | (LNG) to docked vessels. |
|  |  |  |  | and Harbors Act, |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Diné Citizens | D.N.M. | NGO (Intl/Natl | BLM, DOI | National | Fossil Fuel | Challenge to authorization |
| Against Ruining |  | Envtl, Local) |  | Environmental | Extraction, | and issuance of ***oil*** and gas |
| Our Environment v. |  |  |  | Policy Act (NEPA), | Processing, | leases on 30 parcels covering |
| U.S. Bureau of Land |  |  |  | Federal Land Policy | & Transport | nearly 41,000 acres of land in |
| Management |  |  |  | and Management |  | the San Juan Basin in New |
|  |  |  |  | Act (FLPMA), |  | Mexico. |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Environmental | D.C. Cir. | NGO (Intl/Natl | FERC | National | Fossil Fuel | Challenge to certificate of |
| Defense Fund v. |  | Envtl), Individual |  | Environmental | Extraction, | public convenience and |
| Federal Energy |  |  |  | Policy Act (NEPA), | Processing, | necessity for construction and |
| Regulatory |  |  |  | Administrative | & Transport | operation of an interstate gas |
| Commission |  |  |  | Procedure Act |  | pipeline project in Illinois and |
|  |  |  |  | (APA)) |  | Missouri. |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Evans v. Federal | D.C. Cir. | NGO (Intl/Natl | FERC | National | Fossil Fuel | Challenge to Federal Energy |
| Energy Regulatory |  | Envtl, Local), |  | Environmental | Extraction, | Regulatory Commission |
| Commission |  | Local/Regional |  | Policy Act (NEPA), | Processing, | orders authorizing the Jordan |
|  |  | Gov (Tribes), |  | Natural Gas Act | & Transport | Cove liquefied natural gas |
|  |  | Individuals |  |  |  | export terminal and related |
|  |  |  |  |  |  | infrastructure. |
| Food & Water | D.C. Cir. | NGO (Intl/Natl | FERC | National | Fossil Fuel | Challenge to Federal Energy |
| Watch v. Federal |  | Envtl, Local) |  | Environmental | Extraction, | Regulatory Commission |
| Energy Regulatory |  |  |  | Policy Act (NEPA), | Processing, | authorization of construction |
| Commission |  |  |  | Natural Gas Act | & Transport | and operation of the 261 |
|  |  |  |  |  |  | Upgrade Project, a set of |
|  |  |  |  |  |  | projects in southern |
|  |  |  |  |  |  | Massachusetts to increase |
|  |  |  |  |  |  | transportation capacity on the |
|  |  |  |  |  |  | existing Tennessee Gas |
|  |  |  |  |  |  | Pipeline system. |
| Friends of the Earth | D.C. Cir. | NGO (Intl/Natl | Nuclear | National | Power | Challenge to license renewals |
| v. U.S. Nuclear |  | Envtl, Local) | Regulatory | Environmental | Plants, | for the Turkey Point nuclear |
| Regulatory |  |  | Comm. | Policy Act (NEPA), | Renewables, | generating station in Florida. |
| Commission |  |  |  | Administrative | & Energy |  |
|  |  |  |  | Procedure Act | Efficiency |  |
|  |  |  |  | (APA) |  |  |
| Gwich'in Steering | D. Alaska | Local/Regional | BLM, DOI, | Endangered Species | Fossil Fuel | Challenge to federal review |
| Committee v. |  | Gov (Tribes), | FWS | Act (ESA), National | Extraction, | and approval of an ***oil*** and gas |
| Bernhardt |  | NGO (Intl/Natl |  | Environmental | Processing, | leasing program for the |
|  |  | Envtl, Local) |  | Policy Act (NEPA), | & Transport | Coastal Plain of the Arctic |
|  |  |  |  | Administrative |  | National Wildlife Refuge. |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA), Tax Cuts and |  |  |
|  |  |  |  | Jobs Act of 2017, |  |  |
|  |  |  |  | National Wildlife |  |  |
|  |  |  |  | Refuge System |  |  |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Indigenous | D. Mont. | NGO (Intl/Natl | BLM, USACE, | Endangered Species | Fossil Fuel | Challenge to federal actions |
| Environmental |  | Envtl) | Dept. of State, | Act (ESA), National | Extraction, | authorizing the Keystone XL |
| Network v. U.S. |  |  | FWS, President | Environmental | Processing, | pipeline project. |
| Bureau of Land |  |  | Trump | Policy Act (NEPA), | & Transport |  |
| Management |  |  |  | Mineral Leasing Act |  |  |
|  |  |  |  | (MLA), Federal |  |  |
|  |  |  |  | Land Policy and |  |  |
|  |  |  |  | Management Act |  |  |
|  |  |  |  | (FLPMA), |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Missouri v. U.S. | W.D. Mo. | Local/Regional | DOI, USACE, | National | Impacts on | Challenge to federal |
| Department of the |  | Gov (State) | US Army | Environmental | Climate, | defendants' environmental |
| Interior-Bureau of |  |  |  | Policy Act (NEPA), | Land, Water, | review for the Central North |
| Reclamation |  |  |  | Administrative | & Wildlife | Dakota Water Supply Project. |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Monroe County | S.D. Ind. | Local/Regional | USFS | National | Impacts on | Challenge to the U.S. Forest |
| Board of |  | Gov (County), |  | Environmental | Climate, | Service's approval of a |
| Commissioners v. |  | NGO (Local), |  | Policy Act (NEPA), | Land, Water, | vegetation management and |
| U.S. Forest Service |  | Individual |  | National Forest | & Wildlife | restoration project in the |
|  |  |  |  | Management Act |  | Hoosier National Forest. |
|  |  |  |  | (NFMA), |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  | (APA)) |  |  |
| National | W.D. Pa. | NGO (Natl, | Fed. Highway | National | Impacts on | Challenge to the Bayfront |
| Association for the |  | Local) | Admin, State | Environmental | Climate, | Parkway Project in the City of |
| Advancement of |  |  | Gov (PA DOT) | Policy Act (NEPA), | Land, Water, | Erie, for which the Federal |
| Colored People Erie |  |  |  | Administrative | & Wildlife | Highway Administration |
| Unit 2262 v. Federal |  |  |  | Procedure Act |  | approved a categorical |
| Highway |  |  |  | (APA), Federal Aid |  | exclusion. |
| Administration |  |  |  | Highway Act |  |  |
| National Audubon | S.D.N.Y | NGO (Intl/Natl | DOI, FWS | National | Impacts on | Challenge to Department of |
| Society v. Bernhardt |  | Envtl) |  | Environmental | Climate, | Interior rule that allegedly |
|  |  |  |  | Policy Act (NEPA), | Land, Water, | would expand sand mining |
|  |  |  |  | Administrative | & Wildlife | projects in coastal barriers. |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA), Coastal |  |  |
|  |  |  |  | Barrier Resources |  |  |
|  |  |  |  | Act |  |  |
| National Audubon | D. Alaska | NGO (Intl/Natl | DOI, BLM | National | Fossil Fuel | Challenge to the |
| Society v. Bernhardt |  | Envtl, Local) |  | Environmental | Extraction, | environmental impact |
|  |  |  |  | Policy Act (NEPA), | Processing, | statement (EIS) for a revision |
|  |  |  |  | Administrative | & Transport | to the Integrated Activity Plan |
|  |  |  |  | Procedure Act |  | for the National Petroleum |
|  |  |  |  | (APA), Naval |  | Reserve-Alaska that would |
|  |  |  |  | Petroleum Reserves |  | open approximately 6.7 |
|  |  |  |  | Production Act |  | million acres of the Reserve to |
|  |  |  |  |  |  | ***oil*** and gas development. |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| National Wildlife | S.D. Ill. | NGO (Intl/Natl | USACE | National | Impacts on | Lawsuit asserting that the U.S. |
| Federation v. U.S. |  | Envtl) |  | Environmental | Climate, | Army Corps of Engineers |
| Army Corps of |  |  |  | Policy Act (NEPA), | Land, Water, | failed to conduct an adequate |
| Engineers |  |  |  | Administrative | & Wildlife | environmental review for |
|  |  |  |  | Procedure Act |  | activities intended to maintain |
|  |  |  |  | (APA), Water |  | a nine-foot deep navigation |
|  |  |  |  | Resources |  | channel in the Middle |
|  |  |  |  | Development Act, |  | Mississippi River Reach of the |
|  |  |  |  | Fish and Wildlife |  | Mississippi River. |
|  |  |  |  | Coordination Act, |  |  |
|  |  |  |  | 1927 Rivers and |  |  |
|  |  |  |  | Harbors Act |  |  |
| Natural Resources | D.D.C. | NGO (Intl/Natl | NMFS, NOAA, | Endangered Species | Impacts on | Challenge to the National |
| Defense Council, |  | Envtl, Local) | DOC | Act (ESA), | Climate, | Marine Fisheries Service's |
| Inc. v. Oliver |  |  |  | Administrative | Land, Water, | decision not to list alewife or |
|  |  |  |  | Procedure Act | & Wildlife | blueback herring as |
|  |  |  |  | (APA) |  | threatened species under the |
|  |  |  |  |  |  | Endangered Species Act. |
| North Slope | D. Alaska | Local/Regional | DOC, NMFS | Endangered Species | Impacts on | Lawsuit to compel action on a |
| Borough v. Ross |  | Gov (Borough, |  | Act (ESA), | Climate, | petition to delist the Arctic |
|  |  | Tribe), |  | Administrative | Land, Water, | ringed seal under the |
|  |  | Corporation |  | Procedure Act | & Wildlife | Endangered Species Act. |
|  |  | (North Slope |  | (APA) |  |  |
|  |  | Regional Corp) |  |  |  |  |
| Northern Alaska | D. Alaska | NGO (Intl/Natl | DOI, FWS, | National | Impacts on | Challenge to federal |
| Environmental |  | Envtl, Local) | USACE, NPS, | Environmental | Climate, | approvals for a 211-mile road |
| Center v. Bernhardt |  |  | Coast Guard | Policy Act (NEPA), | Land, Water, | through the southern Brooks |
|  |  |  |  | Federal Land Policy | & Wildlife | Range and Gates of the Arctic |
|  |  |  |  | and Management |  | National Park and Preserve to |
|  |  |  |  | Act (FLPMA), Clean |  | provide access to a mining |
|  |  |  |  | Water Act (CWA), |  | district. |
|  |  |  |  | Administrative |  |  |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA), Alaska |  |  |
|  |  |  |  | National Interest |  |  |
|  |  |  |  | Lands Conservation |  |  |
|  |  |  |  | Act |  |  |
| Optimus Steel, LLC | E.D. Tex. | Company (Steel) | USACE, | Endangered Species | Fossil Fuel | Lawsuit brought by steel mill |
| v. U.S. Army Corps |  |  | Company | Act (ESA), National | Extraction, | owner to challenge the |
| of Engineers |  |  | (Fossil Fuel) | Environmental | Processing, | reauthorization and |
|  |  |  |  | Policy Act (NEPA), | & Transport | reissuance of Nationwide |
|  |  |  |  | Clean Water Act |  | Permit 12 (NWP-12) as well as |
|  |  |  |  | (CWA), |  | the approval of a natural gas |
|  |  |  |  | Administrative |  | pipeline under NWP-12. |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Organized Village | D. Alaska | Local/Regional | USDA, USFS | National | Impacts on | Challenge to final rule |
| of Kake v. Perdue |  | Gov (Tribes), |  | Environmental | Climate, | exempting the Tongass |
|  |  | NGO (Intl/Natl |  | Policy Act (NEPA), | Land, Water, | National Forest in Alaska |
|  |  | Envtl, Local) |  | National Forest | & Wildlife | from the Roadless Area |
|  |  |  |  | Management Act |  | Conservation Rule. |
|  |  |  |  | (NFMA), Forest |  |  |
|  |  |  |  | Service Organic Act, |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Red Lake Band of | D.D.C | Local/Regional | USACE | National | Fossil Fuel | Challenge to U.S. Army Corps |
| Chippewa Indians |  | Gov (Tribes) |  | Environmental | Extraction, | of Engineers authorizations |
| v. U.S. Army Corps |  | NGO (Intl/Natl |  | Policy Act (NEPA), | Processing, | for Line 3 pipeline project in |
| of Engineers |  | Envtl, Local) |  | Clean Water Act | & Transport | Minnesota. |
|  |  |  |  | (CWA), Rivers and |  |  |
|  |  |  |  | Harbors Act, |  |  |
|  |  |  |  | Administrative |  |  |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2020)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA)) |  |  |
| Rosebud Sioux | D. Mont. | Local/Regional | DOI, BLM | National | Fossil Fuel | Challenge to right-of-way |
| Tribe v. U.S. |  | Gov (Tribes) |  | Environmental | Extraction, | granted for the Keystone XL |
| Department of the |  |  |  | Policy Act (NEPA), | Processing, | Pipeline. |
| Interior |  |  |  | Administrative | & Transport |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA)), Treaties |  |  |
|  |  |  |  | (1851 Fort Laramie |  |  |
|  |  |  |  | Treaty, 1855 Lame |  |  |
|  |  |  |  | Bull Treaty, 1868 |  |  |
|  |  |  |  | Fort Laramie Treaty |  |  |
| Safe Skies Clean | W.D. Wis. | NGO (Local) | National | National | Impacts on | Challenge to the |
| Water Wisconsin, |  |  | Guard Bureau | Environmental | Climate, | environmental review for |
| Inc. v. National |  |  |  | Policy Act (NEPA)) | Land, Water, | construction and demolition |
| Guard Bureau |  |  |  |  | & Wildlife | projects at the Wisconsin Air |
|  |  |  |  |  |  | National Guard's 115th |
|  |  |  |  |  |  | Fighter Wing Installation at a |
|  |  |  |  |  |  | regional airport in Madison. |
| Shoshone-Bannock | D. Idaho | Local/Regional | DOI, BLM | National | Impacts on | Challenge to the U.S. |
| Tribes of Fort Hall |  | Gov (Tribes) |  | Environmental | Climate, | Department of Interior's |
| Reservation v. |  |  |  | Policy Act (NEPA), | Land, Water, | approval of a land exchange |
| Hammond |  |  |  | Federal Land Policy | & Wildlife | to facilitate expansion of |
|  |  |  |  | and Management |  | phosphogypsum stacks |
|  |  |  |  | Act (FLPMA), |  | located on a Superfund site. |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Shrimpers and | 5th Cir. | Trade Group, | USACE | Clean Water Act | Fossil Fuel | Challenge to Section 404 |
| Fishermen of the |  | NGO (Intl/Natl |  | (CWA) | Extraction, | permit for liquefied natural |
| RGV v. U.S. Army |  | Envtl, Local) |  |  | Processing, | gas terminal in Texas. |
| Corps of Engineers |  |  |  |  | & Transport |  |
|  |  |  |  |  |  |  |
| Sierra Club v. | D. Md. | NGO (Intl/Natl | NMFS, NOAA | Endangered Species | Fossil Fuel | Challenge to programmatic |
| National Marine |  | Envtl, Local) |  | Act (ESA), | Extraction, | biological opinion governing |
| Fisheries Service |  |  |  | Administrative | Processing, | ***oil*** and gas activities in the |
|  |  |  |  | Procedure Act | & Transport | Gulf of Mexico. |
|  |  |  |  | (APA) |  |  |
|  |  |  |  |  |  |  |
| Sierra Club v. U.S. | 1st Cir. | NGO (Intl/Natl | USACE | National | Power | Challenge to environmental |
| Army Corps of |  | Envtl, Local) |  | Environmental | Plants, | review for proposed |
| Engineers |  |  |  | Policy Act (NEPA), | Renewables, | construction of 171.4 miles of |
|  |  |  |  | Administrative | & Energy | electrical transmission lines |
|  |  |  |  | Procedure Act | Efficiency | and related facilities in Maine |
|  |  |  |  | (APA) |  | intended to carry electricity |
|  |  |  |  |  |  | for fulfillment of clean energy |
|  |  |  |  |  |  | contracts with State of |
|  |  |  |  |  |  | Massachusetts. |
| Sierra Club v. U.S. | D.C. Cir. | NGO (Intl/Natl | DOT, PHMSA | National | Fossil Fuel | Challenge to Pipeline and |
| Department of |  | Envtl, Local), |  | Environmental | Extraction, | Hazardous Materials Safety |
| Transportation |  | Local/Regional |  | Policy Act (NEPA), | Processing, | Administration regulations |
|  |  | Gov (Tribes, |  | Administrative | & Transport | authorizing transport of |
|  |  | States, City) |  | Procedure Act |  | liquefied natural gas by rail. |
|  |  |  |  | (APA), Hazardous |  |  |
|  |  |  |  | Materials |  |  |
|  |  |  |  | Transportation Act |  |  |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2020)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Sierra Forest Legacy | N.D. Cal. | NGO (Intl/Natl | FWS | Endangered Species | Impacts on | Challenge to the |
| v. U.S. Fish & |  | Envtl, Local) |  | Act (ESA) | Climate, | determination that the |
| Wildlife Service |  |  |  |  | Land, Water, | California spotted owl did not |
|  |  |  |  |  | & Wildlife | warrant protection under the |
|  |  |  |  |  |  | Endangered Species Act. |
|  |  |  |  |  |  |  |
| Southern Utah | D.D.C. | NGO (Intl/Natl | DOI, BLM | National | Fossil Fuel | Lawsuit challenging the sale |
| Wilderness Alliance |  | Envtl, Local) |  | Environmental | Extraction, | and issuance of an ***oil*** and gas |
| v. Bernhardt |  |  |  | Policy Act (NEPA), | Processing, | lease in southeastern Utah, as |
|  |  |  |  | Administrative | & Transport | well as the approval of |
|  |  |  |  | Procedure Act |  | development of the lease and |
|  |  |  |  | (APA) |  | the decision to abandon |
|  |  |  |  |  |  | master planning for area |
|  |  |  |  |  |  | where lease was located. |
| Sovereign Iñupiat | D. Alaska | NGO (Intl/Natl | BLM, FWS, | Endangered Species | Fossil Fuel | Challenges to approval of a |
| for a Living Arctic |  | Envtl, Local) | DOI | Act (ESA), National | Extraction, | development plan for major |
| v. Bureau of Land |  |  |  | Environmental | Processing, | ***oil*** and gas development in |
| Management |  |  |  | Policy Act (NEPA), | & Transport | the National Petroleum |
|  |  |  |  | Federal Land Policy |  | Reserve-Alaska. |
|  |  |  |  | and Management |  |  |
|  |  |  |  | Act (FLPMA), |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA)) |  |  |
| Vecinos para el | D.C. Cir. | NGO (Intl/Natl | FERC | National | Fossil Fuel | Challenge to Federal Energy |
| Bienestar de la |  | Envtl, Local) |  | Environmental | Extraction, | Regulatory Commission |
| Comunidad Costera |  |  |  | Policy Act (NEPA), | Processing, | authorization of liquefied |
| v. Federal Energy |  |  |  | Natural Gas Act | & Transport | natural gas terminal on the |
| Regulatory |  |  |  |  |  | Gulf Coast and a related |
| Commission |  |  |  |  |  | pipeline system. |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Vecinos para el | D.C. Cir. | NGO (Intl/Natl | FERC | National | Fossil Fuel | Challenge to FERC |
| Bienestar de la |  | Envtl, Local) |  | Environmental | Extraction, | authorization of liquefied |
| Comunidad Costera |  |  |  | Policy Act (NEPA), | Processing, | natural gas terminal in Texas. |
| v. Federal Energy |  |  |  | Natural Gas Act | & Transport |  |
| Regulatory |  |  |  |  |  |  |
| Commission |  |  |  |  |  |  |
| Washington v. | D. Alaska | Local/Regional | DOI, BLM | National | Fossil Fuel | Lawsuit challenging federal |
| Bernhardt |  | Gov (States) |  | Environmental | Extraction, | defendants' approval of an ***oil*** |
|  |  |  |  | Policy Act (NEPA), | Processing, | and gas leasing program on |
|  |  |  |  | Administrative | & Transport | the Coastal Plain of the Arctic |
|  |  |  |  | Procedure Act |  | National Wildlife Refuge. |
|  |  |  |  | (APA), Tax Cuts and |  |  |
|  |  |  |  | Jobs Act of 2017, |  |  |
|  |  |  |  | National Wildlife |  |  |
|  |  |  |  | Refuge System |  |  |
|  |  |  |  | Administration Act |  |  |
| Western | D. Mont. | NGO (Intl/Natl | BLM, | National | Impacts on | Challenge to resource |
| Organization of |  | Envtl, Local) | Local/Regional | Environmental | Climate, | management plan |
| Resource Councils |  |  | Gov (State) | Policy Act (NEPA), | Land, Water, | amendments for federal lands |
| v. U.S. Bureau of |  |  |  | Administrative | & Wildlife | in the Powder River Basin in |
| Land Management |  |  |  | Procedure Act |  | Montana and Wyoming. |
|  |  |  |  | (APA) |  |  |
| Western Slope | D. Colo. | NGO (Intl/Natl | DOI, BLM | National | Fossil Fuel | Challenge to the U.S. Bureau |
| Conservation |  | Envtl, Local) |  | Environmental | Extraction, | of Land Management's |
| Center v. U.S. |  |  |  | Policy Act (NEPA), | Processing, | approval of a resource |
| Bureau of Land |  |  |  | Federal Land Policy | & Transport | management plan that |
| Management |  |  |  | and Management |  | opened land in western |
|  |  |  |  | Act (FLPMA), |  | Colorado to ***oil*** and gas |
|  |  |  |  | Administrative |  | leasing. |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| WildEarth | D.D.C. | NGO (Intl/Natl | DOI, BLM | National | Fossil Fuel | Lawsuit challenging approval |
| Guardians v. |  | Envtl) |  | Environmental | Extraction, | of ***oil*** and gas leases in five |
| Bernhardt |  |  |  | Policy Act (NEPA) | Processing, | western states. |
|  |  |  |  |  | & Transport |  |
|  |  |  |  |  |  |  |
| WildEarth | D.D.C. | NGO (Intl/Natl | DOI, FWS | Endangered Species | Impacts on | Lawsuit to compel final |
| Guardians v. |  | Envtl) |  | Act (ESA), | Climate, | determinations on petitions to |
| Bernhardt |  |  |  | Administrative | Land, Water, | list five aquatic species under |
|  |  |  |  | Procedure Act | & Wildlife | the Endangered Species Act. |
|  |  |  |  | (APA) |  |  |
|  |  |  |  |  |  |  |
| WildEarth | D. Colo. | NGO (Intl/Natl | Company | Clean Air Act (CAA) | Fossil Fuel | Citizen suit asserting that coal |
| Guardians v. |  | Envtl, Local) | (Coal) |  | Extraction, | mine required air permits. |
| Mountain Coal Co. |  |  |  |  | Processing, |  |
|  |  |  |  |  | & Transport |  |
|  |  |  |  |  |  |  |
| WildEarth | D. Mont. | NGO (Intl/Natl | FWS | Endangered Species | Impacts on | Lawsuit to compel |
| Guardians v. |  | Envtl, Local) |  | Act (ESA), | Climate, | compliance with a court order |
| Skipwith |  |  |  | Administrative | Land, Water, | remanding a critical habitat |
|  |  |  |  | Procedure Act | & Wildlife | rule for the Canada lynx in |
|  |  |  |  | (APA) |  | the United States. |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| 350 Montana v. | D. Mont. | NGO | DOI | National | Fossil Fuel | Challenge to environmental |
| Bernhardt |  | (Intl/Natl |  | Environmental | Extraction, | review for expansion of |
|  |  | Envtl, Local) |  | Policy Act (NEPA), | Processing, & | underground coal mine. |
|  |  |  |  | Administrative | Transport |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Alliance for the | E.D. Wash. | NGO (Local) | USFS, FWS | Endangered | Impacts on | Challenge to U.S. Forest Service |
| Wild Rockies v. U.S. |  |  |  | Species Act (ESA), | Climate, | restoration project in |
| Forest Service |  |  |  | National | Land, Water, | Washington. |
|  |  |  |  | Environmental | & Wildlife |  |
|  |  |  |  | Policy Act (NEPA), |  |  |
|  |  |  |  | National Forest |  |  |
|  |  |  |  | Management Act |  |  |
|  |  |  |  | (NFMA) |  |  |
| Buffalo Field | D.D.C. | NGO | DOI, FWS | Endangered | Impacts on | Action to compel the U.S. Fish |
| Campaign v. |  | (Intl/Natl |  | Species Act (ESA), | Climate, | and Wildlife Service to take |
| Bernhardt |  | Envtl, Local) |  | Administrative | Land, Water, | action in response to list the |
|  |  |  |  | Procedure Act | & Wildlife | Yellowstone bison as an |
|  |  |  |  | (APA) |  | endangered or threatened |
|  |  |  |  |  |  | distinct population segment of |
|  |  |  |  |  |  | plains bison. |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| California Natural | E.D. Cal. | Local/Regiona | DOC, DOI, | Endangered | Impacts on | Challenge to biological opinions |
| Resources Agency |  | l Gov (State); | NMFS, FWS, | Species Act (ESA), | Climate, | for long-term operations of two |
| v. Ross |  | NGO | Bureau of | National | Land, Water, | major water diversion projects |
|  |  | (Intl/Natl | Reclamation | Environmental | & Wildlife | in California. |
|  |  | Envtl, Local), |  | Policy Act (NEPA), |  |  |
|  |  | Trade Group |  | Administrative |  |  |
|  |  | (Fishermen) |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Center for Biological | N.D. Cal. | NGO | DOI, FWS | Endangered | Impacts on | Lawsuit challenging the U.S. |
| Diversity v. |  | (Intl/Natl |  | Species Act (ESA), | Climate, | Fish and Wildlife Service's |
| Bernhardt |  | Envtl, Local) |  | Administrative | Land, Water, | failure to protect eight species |
|  |  |  |  | Procedure Act | & Wildlife | under the Endangered Species |
|  |  |  |  | (APA) |  | Act. |
| Center for Biological | D.D.C. | NGO | DOI, FWS | Endangered | Impacts on | Lawsuit to compel the Secretary |
| Diversity v. |  | (Intl/Natl |  | Species Act (ESA), | Climate, | of the Interior and the U.S. Fish |
| Bernhardt |  | Envtl) |  | Administrative | Land, Water, | and Wildlife Service to take |
|  |  |  |  | Procedure Act | & Wildlife | action under the Endangered |
|  |  |  |  | (APA) |  | Species Act with respect to 24 |
|  |  |  |  |  |  | species. |
| Center for Biological | D. Idaho | NGO | DOI, FWS | Endangered | Impacts on | Plaintiffs Withdrew Lawsuit |
| Diversity v. |  | (Intl/Natl |  | Species Act (ESA), | Climate, | After Climate Change-Threatened |
| Bernhardt |  | Envtl, Local) |  | Administrative | Land, Water, | Caribou Listed as |
|  |  |  |  | Procedure Act | & Wildlife | Endangered. |
|  |  |  |  | (APA) |  |  |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Center for Biological | S.D. Fla. | NGO | DOI, FWS | Endangered | Impacts on | Challenge to U.S. Fish and |
| Diversity v. |  | (Intl/Natl |  | Species Act (ESA), | Climate, | Wildlife Service decision not to |
| Bernhardt |  | Envtl) |  | Administrative | Land, Water, | list the Florida Keys mole skink |
|  |  |  |  | Procedure Act | & Wildlife | under the Endangered Species |
|  |  |  |  | (APA) |  | Act. |
| Center for Biological | D. Haw. | NGO | DOI, FWS | Endangered | Impacts on | Lawsuit to compel the |
| Diversity v. |  | (Intl/Natl |  | Species Act (ESA) | Climate, | designation of critical habitat for |
| Bernhardt |  | Envtl) |  |  | Land, Water, | 14 species of plants and animals |
|  |  |  |  |  | & Wildlife | from the island of Hawai'i that |
|  |  |  |  |  |  | were listed as endangered in |
|  |  |  |  |  |  | 2013. |
| Center for Biological | D.D.C. | NGO | DOI, FWS | Endangered | Impacts on | Action to compel a listing |
| Diversity v. |  | (Intl/Natl |  | Species Act (ESA) | Climate, | determination under the |
| Bernhardt |  | Envtl) |  |  | Land, Water, | Endangered Species Act for the |
|  |  |  |  |  | & Wildlife | emperor penguin. |
| Center for Biological | D. Colo. | NGO | DOI, BLM | National | Fossil Fuel | Challenge to BLM's approval of |
| Diversity v. |  | (Intl/Natl |  | Environmental | Extraction, | a resource management plan in |
| Bernhardt |  | Envtl, Local) |  | Policy Act (NEPA), | Processing, & | western Colorado that applied |
|  |  |  |  | Administrative | Transport | to 1,061,400 acres of BLM-administered |
|  |  |  |  | Procedure Act |  | surface land and |
|  |  |  |  | (APA) |  | 1,231,200 acres of BLM-managed |
|  |  |  |  |  |  | federal mineral estate |
|  |  |  |  |  |  | and made 935,600 acres |
|  |  |  |  |  |  | available for ***oil*** and gas. |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Center for Biological | N.D. Cal. | NGO | EPA | Endangered | Impacts on | Challenge to Safe Drinking |
| Diversity v. EPA |  | (Intl/Natl |  | Species Act (ESA), | Climate, | Water Act exemption that |
|  |  | Envtl) |  | National | Land, Water, | would allegedly allow injection |
|  |  |  |  | Environmental | & Wildlife | of ***oil*** and gas wastewater and |
|  |  |  |  | Policy Act (NEPA), |  | other fluids in ***oil*** field in San |
|  |  |  |  | Administrative |  | Luis Obispo County in |
|  |  |  |  | Procedure Act |  | California. |
|  |  |  |  | (APA) |  |  |
| Center for Biological | 9th Cir. | NGO | EPA | Clean Air Act | Fossil Fuel | Challenge to prevention of |
| Diversity v. EPA |  | (Intl/Natl |  | (CAA) | Extraction, | significant deterioration air |
|  |  | Envtl, Local) |  |  | Processing, & | permit for natural gas-fired |
|  |  |  |  |  | Transport | power plant in Palmdale, |
|  |  |  |  |  |  | California. |
| Center for Biological | D.D.C. | NGO | DOC, NOAA, | Endangered | Impacts on | Lawsuit to compel the |
| Diversity v. Ross |  | (Intl/Natl | NMFS | Species Act (ESA), | Climate, | designation of critical habitat for |
|  |  | Envtl) |  | Administrative | Land, Water, | threatened coral species. |
|  |  |  |  | Procedure Act | & Wildlife |  |
|  |  |  |  | (APA) |  |  |
| Center for Biological | D. Alaska | NGO | DOC, NOAA, | Endangered | Impacts on | Lawsuit asserting that the |
| Diversity v. Ross |  | (Intl/Natl | NMFS | Species Act (ESA), | Climate, | National Marine Fisheries |
|  |  | Envtl) |  | Administrative | Land, Water, | Service violated the Endangered |
|  |  |  |  | Procedure Act | & Wildlife | Species Act by failing to |
|  |  |  |  | (APA) |  | designate critical habitat for |
|  |  |  |  |  |  | ringed and bearded seals. |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Center for Biological | D. Ariz. | NGO | DOI, BLM | National | Fossil Fuel | Challenge to issuance of federal |
| Diversity v. Suazo |  | (Intl/Natl |  | Environmental | Extraction, | ***oil*** and gas leases. |
|  |  | Envtl) |  | Policy Act (NEPA), | Processing, & |  |
|  |  |  |  | National Historic | Transport |  |
|  |  |  |  | Preservation Act |  |  |
|  |  |  |  | (NHPA), Federal |  |  |
|  |  |  |  | Land and Policy |  |  |
|  |  |  |  | Management Act |  |  |
|  |  |  |  | (FLPMA) |  |  |
| Center for Biological | S.D. Fla. | NGO | USACE, DOI, | Endangered | Impacts on | Challenge to the management of |
| Diversity v. U.S. |  | (Intl/Natl | NOAA, | Species Act (ESA), | Climate, | Lake Okeechobee under the |
| Army Corps of |  | Envtl, Local) | NMFS, FWS | National | Land, Water, | Lake Okeechobee Regulation |
| Engineers |  |  |  | Environmental | & Wildlife | Schedule (LORS). |
|  |  |  |  | Policy Act (NEPA), |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Center for Biological | N.D. Cal. | NGO | BLM, DOI | National | Fossil Fuel | Challenge to BLM's approval of |
| Diversity v. US |  | (Intl/Natl |  | Environmental | Extraction, | a resource management plan |
| Bureau of Land |  | Envtl) |  | Policy Act (NEPA), | Processing, & | amendment for a planning area |
| Management |  |  |  | Administrative | Transport | that included California's Bay |
|  |  |  |  | Procedure Act |  | Area and Central coast that |
|  |  |  |  | (APA) |  | would make 725,500 acres |
|  |  |  |  |  |  | available for ***oil*** and gas leasing. |
| Center for Biological | D. Utah | NGO | DOI, Bureau | National | Impacts on | Challenge to the U.S. Bureau of |
| Diversity v. US |  | (Intl/Natl | of Reclamation | Environmental | Climate, | Reclamation's issuance of a |
| Department of the |  | Envtl, Local) |  | Policy Act (NEPA), | Land, Water, | contract allowing new water |
| Interior |  |  |  | Administrative | & Wildlife | extractions from the Green |
|  |  |  |  | Procedure Act |  | River. |
|  |  |  |  | (APA) |  |  |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Center for Biological | S.D. Fla. | NGO | FWS, DOI | Endangered | Impacts on | Case challenging the Secretary |
| Diversity v. US Fish |  | (Intl/Natl |  | Species Act (ESA) | Climate, | of the Interior's decision not to |
| & Wildlife Service |  | Envtl) |  |  | Land, Water, | list the Florida Keys mole skink |
|  |  |  |  |  | & Wildlife | as endangered or threatened |
|  |  |  |  |  |  | under the Endangered Species |
|  |  |  |  |  |  | Act. |
| Center for Biological | D. Ariz. | NGO | DOI, FWS | Endangered | Impacts on | Lawsuit to compel a listing |
| Diversity v. US Fish |  | (Intl/Natl |  | Species Act (ESA), | Climate, | determination on the Arizona |
| & Wildlife Service |  | Envtl, Local) |  | Administrative | Land, Water, | eryngo, a plant species. |
|  |  |  |  | Procedure Act | & Wildlife |  |
|  |  |  |  | (APA) |  |  |
| Columbia | W.D. | NGO | USACE, | Endangered | Impacts on | Challenge to U.S. Corps of |
| Riverkeeper v. U.S. | Wash. | (Intl/Natl | NOAA, NMFS | Species Act (ESA), | Climate, | Engineers issuance of a Section |
| Army Corps of |  | Envtl, Local) |  | National | Land, Water, | 404 permit for a maritime export |
| Engineers |  |  |  | Environmental | & Wildlife | terminal associated with a |
|  |  |  |  | Policy Act (NEPA), |  | proposed methanol facility in |
|  |  |  |  | Clean Water Act |  | Washington on the Columbia |
|  |  |  |  | (CWA), |  | River. |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Cook Inletkeeper v. | D. Alaska | NGO | DOC, NMFS | Endangered | Fossil Fuel | Challenge to incidental take |
| Ross |  | (Intl/Natl |  | Species Act (ESA), | Extraction, | regulations authorizing take of |
|  |  | Envtl, Local) |  | National | Processing, & | 11 species of marine mammals |
|  |  |  |  | Environmental | Transport | in connection with ***oil*** and gas |
|  |  |  |  | Policy Act (NEPA), |  | exploration and development |
|  |  |  |  | Marine Mammal |  | activities. |
|  |  |  |  | Protection Act |  |  |
|  |  |  |  | (MMPA) |  |  |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Dine Citizens | D.N.M. | NGO | DOI, BLM | National | Fossil Fuel | Challenge to approvals of |
| Against Ruining the |  | (Intl/Natl |  | Environmental | Extraction, | application for permits to drill |
| Environment v. |  | Envtl, Local) |  | Policy Act (NEPA), | Processing, & | in the Mancos Shale/Gallup |
| Bernhardt |  |  |  | Administrative | Transport | formations. |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Earth Island | N.D. Cal. | NGO | HUD, USFS, | National | Power Plants, | Challenge to federal and state |
| Institute v. Nash |  | (Intl/Natl | Local/State | Environmental | Renewables, | authorizations for a logging |
|  |  | Envtl, Local), | Gov (State) | Policy Act (NEPA), | & Energy | project and biomass power |
|  |  | Individual |  | Administrative | Efficiency | plant on public forestland |
|  |  |  |  | Procedure Act |  | burned during the Rim Fire in |
|  |  |  |  | (APA), Disaster |  | 2013. |
|  |  |  |  | Relief |  |  |
|  |  |  |  | Appropriations |  |  |
|  |  |  |  | Act of 2013 |  |  |
| Farm Sanctuary v. | W.D.N.Y. | NGO | USDA, Food | National | Animal | Lawsuit challenging the U.S. |
| US Dept. of |  | (Intl/Natl | Safety & | Environmental | Feedlot | Department of Agriculture's |
| Agriculture |  | Envtl, Local) | Inspection | Policy Act (NEPA), | Emissions | final rule establishing an |
|  |  |  | Service | Administrative |  | optional new inspection system |
|  |  |  |  | Procedure Act |  | for hog slaughter |
|  |  |  |  | (APA), Federal |  | establishments, including the |
|  |  |  |  | Meat Inspection |  | failure to consider the rule's |
|  |  |  |  | Act; Humane |  | environmental impacts. |
|  |  |  |  | Methods of |  |  |
|  |  |  |  | Slaughter Act |  |  |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Friends of Cedar | D. Utah | NGO (local) | DOI, BLM | National | Fossil Fuel | Challenge to ***oil*** and gas lease |
| Mesa v. US Dept. of |  |  |  | Environmental | Extraction, | sales covering more than 54,000 |
| Interior |  |  |  | Policy Act (NEPA), | Processing, & | acres in southeastern Utah. |
|  |  |  |  | Federal Land | Transport |  |
|  |  |  |  | Policy and |  |  |
|  |  |  |  | Management Act |  |  |
|  |  |  |  | (FLPMA), |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Healthy Gulf v. | D.D.C. | NGO | DOI, BOEM | National | Fossil Fuel | Challenge to federal defendants' |
| Bernhardt |  | (Intl/Natl |  | Environmental | Extraction, | decision to hold ***oil*** and gas |
|  |  | Envtl) |  | Policy Act (NEPA), | Processing, & | lease sale in the Gulf of Mexico. |
|  |  |  |  | Administrative | Transport |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Hosemann v. U.S. | S.D. Miss. | Local/Regiona | USACE | National | Impacts on | Lawsuit alleging that opening of |
| Army Corps of |  | l Gov (State) |  | Environmental | Climate, | spillway on Mississippi |
| Engineers |  |  |  | Policy Act (NEPA), | Land, Water, | occurred without sufficient |
|  |  |  |  | Administrative | & Wildlife | consideration of environmental |
|  |  |  |  | Procedure Act |  | impacts to the Mississippi |
|  |  |  |  | (APA) |  | Sound and Mississippi Public |
|  |  |  |  |  |  | Trust. |
| In re Southern Utah | IBLA | NGO | DOI, BLM | National | Impacts on | Challenge to vegetation |
| Wilderness Alliance |  | (Intl/Natl |  | Environmental | Climate, | management plan on BLM-administered |
|  |  | Envtl, Local) |  | Policy Act (NEPA), | Land, Water, | lands in southern |
|  |  |  |  | Federal Land | & Wildlife | Utah. |
|  |  |  |  | Policy and |  |  |
|  |  |  |  | Management Act |  |  |
|  |  |  |  | (FLPMA) |  |  |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Indigenous | D. Mont. | NGO | President | Commerce Clause, | Fossil Fuel | Challenge to President Trump's |
| Environmental |  | (Intl/Natl | Trump, Dept. | Property Clause | Extraction, | revocation of the presidential |
| Network v. Trump |  | Envtl) | of State; |  | Processing, & | permit for the Keystone XL |
|  |  |  | USACE, FWS |  | Transport | pipeline, issuance of a new |
|  |  |  | BLM, DOI |  |  | presidential permit, and |
|  |  |  |  |  |  | authorization of the balance of |
|  |  |  |  |  |  | the 875-mile project in the U.S. |
| Klamath-Siskiyou | D. Or. | NGO (Local) | BLM, DOI | National | Impacts on | Challenge to the U.S. Bureau of |
| Wildlands Center v |  |  |  | Environmental | Climate, | Land Management's approval |
| U.S. Bureau of Land |  |  |  | Policy Act (NEPA), | Land, Water, | of the first project prepared by |
| Management |  |  |  | Administrative | & Wildlife | the Lakeview District in the |
|  |  |  |  | Procedure Act |  | Klamath Falls Resource Area in |
|  |  |  |  | (APA) |  | Oregon under a 2016 resource |
|  |  |  |  |  |  | management plan. |
| Ksanka Kupaqa | D. Mont. | NGO | FWS, USFS | Endangered | Impacts on | Lawsuit alleging that agencies |
| Xa???in v. U.S. Fish |  | (Intl/Natl |  | Species Act (ESA) | Climate, | violated the Endangered Species |
| & Wildlife Service |  | Envtl, Local) |  |  | Land, Water, | Act when they approved a |
|  |  |  |  |  | & Wildlife | silver and copper mine project |
|  |  |  |  |  |  | in Montana in one of the last |
|  |  |  |  |  |  | remaining undisturbed habitats |
|  |  |  |  |  |  | in the region for the threatened |
|  |  |  |  |  |  | grizzly bear and bull trout. |
| Little Rock | E.D. Ark. | NGO (local), | FHA, DOT, | National | Resilient | Challenge to environmental |
| Downtown |  | Individuals | Local/Regional | Environmental | Infrastructure | review for an Arkansas |
| Neighborhood |  |  | Gov (State) | Policy Act (NEPA), | & | highway project. |
| Association, Inc. v. |  |  |  | Administrative | Development |  |
| Federal Highway |  |  |  | Procedure Act |  |  |
| Administration |  |  |  | (APA) |  |  |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Living Rivers v. | D. Utah | NGO | DOI, BLM, | Endangered | Fossil Fuel | Lawsuit challenging approval of |
| Bernhardt |  | (Intl/Natl | FWS | Species Act (ESA), | Extraction, | rights-of-way for construction |
|  |  | Envtl, Local) |  | Natl | Processing, & | and operation of commercial-scale |
|  |  |  |  | Environmental | Transport | ***oil***-shale mine and |
|  |  |  |  | Policy Act (NEPA), |  | processing plant. |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Living Rivers v. | D. Utah | NGO | DOI, BLM | Natl | Fossil Fuel | Challenge to 130 ***oil*** and gas |
| Hoffman |  | (Intl/Natl |  | Environmental | Extraction, | lease sales on public land in |
|  |  | Envtl, Local) |  | Policy Act (NEPA), | Processing, & | Utah for failure to consider |
|  |  |  |  | Administrative | Transport | indirect and cumulative |
|  |  |  |  | Procedure Act |  | greenhouse gas emissions and |
|  |  |  |  | (APA) |  | climate change impacts. |
| Lower San Pedro | D. Ariz. | NGO | USACE, FWS | Endangered | Impacts on | Challenge to the Section 404 |
| Watershed Alliance |  | (Intl/Natl |  | Species Act (ESA), | Climate, | permit for a master-planned |
| v. Barta |  | Envtl, Local) |  | National | Land, Water, | community in Arizona. |
|  |  |  |  | Environmental | & Wildlife |  |
|  |  |  |  | Policy Act (NEPA), |  |  |
|  |  |  |  | Clean Water Act |  |  |
|  |  |  |  | (CWA), |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Montana | D. Mont. | NGO | DOI, Office of | National | Fossil Fuel | Challenge to federal approval of |
| Environmental |  | (Intl/Natl | Surface | Environmental | Extraction, | expansion of a coal strip-mine in |
| Information Center |  | Envtl, Local) | Mining) | Policy Act (NEPA) | Processing, & | Montana. |
| v. Bernhardt |  |  |  |  | Transport |  |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Natural Resources | D. Utah | NGO | BLM, DOI | National | Impact on | Challenge to opening of public |
| Defense Council v. |  | (Intl/Natl |  | Environmental | Climate, | lands in Utah to off-highway |
| McCarthy |  | Envtl, Local) |  | Policy Act (NEPA) | Land, Water, | vehicle use. |
|  |  |  |  |  | &Wildlife |  |
| Natural Resources | D.D.C. | NGO | DOC, NMFS, | Endangered | Impacts on | Lawsuit to compel final listing |
| Defense Council v. |  | (Intl/Natl | NOAA | Species Act (ESA), | Climate, | determination under the |
| Ross |  | Envtl) |  | Administrative | Land, Water, | Endangered Species Act for the |
|  |  |  |  | Procedure Act | & Wildlife | Gulf of Mexico whale. |
|  |  |  |  | (APA) |  |  |
| Natural Resources | D.D.C. | NGO | DOI, FWS | Endangered | Impacts on | Challenge to U.S. Fish and |
| Defense Council, |  | (Intl/Natl |  | Species Act (ESA), | Climate, | Wildlife Service's failure to |
| Inc. v. Bernhardt |  | Envtl) |  | Administrative | Land, Water, | designate critical habitat for the |
|  |  |  |  | Procedure Act | & Wildlife | rusty patched bumble bee. |
|  |  |  |  | (APA) |  |  |
| New York v. Ross | E.D.N.Y. | Local/State | DOC, NOAA, | Administrative | Impacts on | Challenge to 2019 allocation for |
|  |  | Gov (State) | NMFS | Procedure Act | Climate, | summer flounder fishery. |
|  |  |  |  | (APA), Magnuson-Stevens | Land, Water, |  |
|  |  |  |  | Act | & Wildlife |  |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| New York v. Ross | S.D.N.Y. | Local/State | DOC, NOAA, | Administrative | Impacts on | Challenge by New York State to |
|  |  | Gov (State) | NMFS | Procedure Act | Climate, | 2020-2021 specifications for the |
|  |  |  |  | (APA), Magnuson- | Land, Water, | summer flounder fishery, |
|  |  |  |  | Stevens Act | & Wildlife | including a total annual |
|  |  |  |  |  |  | commercial summer flounder |
|  |  |  |  |  |  | quota and a state-by-state |
|  |  |  |  |  |  | allocation of that quota based on |
|  |  |  |  |  |  | a 1993 allocation rule. |
| North Carolina | E.D.N.C. | NGO (Local) | DOT, | Natl | Resilient | Challenge to toll bridge in the |
| Wildlife Federation |  |  | Local/Regional | Environmental | Infrastructure | Currituck Outer Banks in North |
| v. North Carolina |  |  | Gov (State), | Policy Act (NEPA) | & | Carolina. |
| Department of |  |  |  |  | Development |  |
| Transportation |  |  |  |  |  |  |
| Northern Plains | U.S. | NGO | USACE | Natl | Fossil Fuel | Challenge to U.S Army Corps of |
| Resource Council v. |  | (Intl/Natl |  | Environmental | Extraction, | Engineers approval of Keystone |
| US Army Corps of |  | Envtl, Local) |  | Policy Act (NEPA), | Processing, & | XL pipeline project under the |
| Engineers |  |  |  | Clean Water Act | Transport | reissued Nationwide Permit 12 |
|  |  |  |  | (CWA), |  | for pipeline and utility projects. |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Oregon Natural | D. Or. | NGO | BLM, DOI | National | Impacts on | Lawsuit challenging BLM's |
| Desert Association |  | (Intl/Natl |  | Environmental | Climate, | March 2019 decision to reverse |
| v. Hanley |  | Envtl, Local) |  | Policy Act (NEPA), | Land, Water, | portions of the 2015 |
|  |  |  |  | Federal Land | & Wildlife | conservation plan for the |
|  |  |  |  | Policy and |  | greater sage-grouse in Oregon |
|  |  |  |  | Management Act |  | by closing approximately 22,000 |
|  |  |  |  | (FLPMA) |  | acres to livestock grazing. |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Rocky Mountain | D. Utah | NGO | DOI, BLM | Natl | Fossil Fuel | Challenge to the U.S. Bureau of |
| Wild v. Bernhardt |  | (Intl/Natl |  | Environmental | Extraction, | Land Management's decisions |
|  |  | Envtl, Local) |  | Policy Act (NEPA), | Processing, & | to issue 59 ***oil*** and gas leases |
|  |  |  |  | Federal Land | Transport | covering 61,910.92 acres in |
|  |  |  |  | Policy and |  | northeast Utah. |
|  |  |  |  | Management Act |  |  |
|  |  |  |  | (FLPMA), |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Save the Bull Trout | D. Mont. | NGO (Local) | FWS, DOI | Endangered | Impacts on | Challenge to the Bull Trout |
| v. Everson |  |  |  | Species Act (ESA) | Climate, | Recovery Plan approved by the |
|  |  |  |  |  | Land, Water, | U.S. Fish and Wildlife Service in |
|  |  |  |  |  | & Wildlife | 2015. |
| Save the Colorado | D. Ariz. | NGO | DOI | National | Impacts on | Challenge to the U.S. |
| v. U.S. Department |  | (Intl/Natl |  | Environmental | Climate, | Department of the Interior's |
| of the Interior |  | Envtl, Local) |  | Policy Act (NEPA) | Land, Water, | December 2016 plan for |
|  |  |  |  |  | & Wildlife | managing the Glen Canyon |
|  |  |  |  |  |  | Dam for failing to consider |
|  |  |  |  |  |  | climate change impacts. |
| Save the Scenic | D. Ariz. | NGO | USACE | Clean Air Act | Impacts on | Challenge to Section 404 permit |
| Santa Ritas v. U.S. |  | (Intl/Natl |  | (CAA) | Climate, | for copper mine site. |
| Army Corps of |  | Envtl, Local), |  |  | Land, Water, |  |
| Engineers |  | Local/Regiona |  |  | & Wildlife |  |
|  |  | l Gov (Tribes) |  |  |  |  |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Swomley v. | D. Colo. | Individuals | USFS | National | Impacts on | Challenge to U.S. Forest |
| Schroyer |  |  |  | Environmental | Climate, | Service's approval of a timber |
|  |  |  |  | Policy Act (NEPA), | Land, Water, | project authorizing logging on |
|  |  |  |  | Administrative | & Wildlife | 1,631 acres in the White River |
|  |  |  |  | Procedure Act |  | National Forest in Colorado. |
|  |  |  |  | (APA) |  |  |
| United States Sugar | S.D. Fla. | Industry | USACE | National | Impacts on | Challenge to U.S. Army Corps |
| Corp. v. Semonite |  | (Company) |  | Environmental | Climate, | of Engineers releases from Lake |
|  |  |  |  | Policy Act (NEPA) | Land, Water, | Okeechobee in Florida. |
|  |  |  |  |  | & Wildlife |  |
| Utah Physicians for | D. Utah | NGO | DOI, BLM | National | Fossil Fuel | Challenge to federal coal lease |
| a Healthy |  | (Intl/Natl |  | Environmental | Extraction, | sale near Bryce Canyon |
| Environment v. U.S. |  | Envtl, Local) |  | Policy Act (NEPA) | Processing, & | National Park. |
| Bureau of Land |  |  |  |  | Transport |  |
| Management |  |  |  |  |  |  |
| Western Watersheds | D. Or. | NGO | DOI, BLM | National | Impacts on | Challenge to renewal of grazing |
| Project v. Bernhardt |  | (Intl/Natl |  | Environmental | Climate, | permits. |
|  |  | Envtl) |  | Policy Act (NEPA), | Land, Water, |  |
|  |  |  |  | Taylor Grazing | & Wildlife |  |
|  |  |  |  | Act, Federal Land |  |  |
|  |  |  |  | Policy & |  |  |
|  |  |  |  | Management Act |  |  |
|  |  |  |  | (FLPMA) |  |  |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| WildEarth | 10th Cir. | NGO | DOI, OSMRE | National | Fossil Fuel | Challenge to federal approval of |
| Guardians v. | (from D. | (Intl/Natl |  | Environmental | Extraction, | mining plan for expansion of |
| Bernhardt | Colo.) | Envtl, Local) |  | Policy Act (NEPA) | Processing, & | coal mine in western Colorado. |
|  |  |  |  |  | Transport |  |
| WildEarth | E.D. Cal. | NGO | DOI, FWS | Endangered | Impacts on | Lawsuit to compel response to |
| Guardians v. |  | (Intl/Natl |  | Species Act (ESA) | Climate, | list the Joshua tree as a |
| Bernhardt |  | Envtl) |  |  | Land, Water, | threatened species. |
|  |  |  |  |  | & Wildlife |  |
| WildEarth | 10th Cir. | NGO | DOI, BLM | National | Fossil Fuel | Challenge to 210 ***oil*** and gas |
| Guardians v. | (from | (Intl/Natl |  | Environmental | Extraction, | leases covering 68,232.94 acres |
| Bernhardt | D.N.M.) | Envtl) |  | Policy Act (NEPA), | Processing, & | of land in New Mexico. |
|  |  |  |  | Federal Land | Transport |  |
|  |  |  |  | Policy & |  |  |
|  |  |  |  | Management Act |  |  |
|  |  |  |  | (FLPMA) |  |  |
| WildEarth | D. Ariz. | NGO | DOI, FWS | Endangered | Impacts on | Challenge to the U.S. Fish and |
| Guardians v. |  | (Intl/Natl |  | Species Act (ESA), | Climate, | Wildlife's decision that listing of |
| Bernhardt |  | Envtl) |  | Administrative | Land, Water, | the Sonoran desert tortoise |
|  |  |  |  | Procedure Act | & Wildlife | under the Endangered Species |
|  |  |  |  | (APA) |  | Act was "not warranted." |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| WildEarth | C.D. Cal. | NGO | DOI, FWS | Endangered | Impacts on | Challenge to the U.S. Fish and |
| Guardians v. |  | (Intl/Natl |  | Species Act (ESA) | Climate, | Wildlife Service's decision not to |
| Bernhardt |  | Envtl) |  |  | Land, Water, | list the Joshua tree as a |
|  |  |  |  |  | & Wildlife | threatened species. |
| WildEarth | D. Mont. | NGO | USFS, FWS | Endangered | Impacts on | Challenge to the revision of the |
| Guardians v. Steele |  | (Intl/Natl |  | Species Act (ESA), | Climate, | Flathead National Forest Land |
|  |  | Envtl, Local) |  | Administrative | Land, Water, | Management Plan in |
|  |  |  |  | Procedure Act | & Wildlife | northwestern Montana, |
|  |  |  |  | (APA) |  | including for failing to consider |
|  |  |  |  |  |  | or account for impacts of |
|  |  |  |  |  |  | climate change on grizzly bears |
|  |  |  |  |  |  | and their impact. |

| **Advancing and Enforcing Climate Protections (Jan 1-20, 2021)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| California v. EPA | D.C. | Local/Regional | . EPA | Clean Air Act | Vehicle | Challenge to aircraft |
|  | Cir. | Gov (States, |  | (CAA) | Emissions & | greenhouse gas standards |
|  |  | City), NGO |  |  | Fuels | adopted by EPA. |
|  |  | (Intl/Natl Envtl, |  |  |  |  |
|  |  | Local) |  |  |  |  |

| **Advancing and Enforcing Climate Protections (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Adorers of the Blood | E.D. Pa. | NGO (Local), | Company (Fossil | Religious Freedom | Fossil Fuel | Lawsuit brought by a |
| of Christ v. |  | Individuals | Fuel) | Restoration Act | Co. Liability | religious order and |
| Transcontinental |  |  |  | (RFRA) |  | individual members seeking |
| Gas Pipe Line Co. |  |  |  |  |  | damages from a pipeline |
|  |  |  |  |  |  | company for burdening |
|  |  |  |  |  |  | their religious beliefs |
|  |  |  |  |  |  | regarding the sacredness of |
|  |  |  |  |  |  | God's creation by |
|  |  |  |  |  |  | constructing a pipeline |
|  |  |  |  |  |  | across the order's property. |

| **Advancing and Enforcing Climate Protections (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Beyond Pesticides v. | D.D.C. | NGO (Intl/Natl | Company (Fossil | Local Law (District | Climate | Lawsuit asserting that Exxon |
| Exxon Mobil Corp. |  | Envtl) | Fuel) | of Columbia | Misinformation | Mobil Corporation's |
|  |  |  |  | Consumer | & | representations regarding its |
|  |  |  |  | Protection | Disclosures | investment in clean energy |
|  |  |  |  | Procedures Act) |  | violated D.C. Consumer |
|  |  |  |  |  |  | Protection Procedures Act. |
| City & County of | 9th Cir. | Local/Regional | Company (Fossil | State Law | Fossil Fuel | Lawsuit seeking damages |
| Honolulu v. Sunoco |  | Gov (City, | Fuel) | (Nuisance, | Co. Liability | and other relief from fossil |
| LP |  | County) |  | Negligence, |  | fuel companies for alleged |
|  |  |  |  | Trespass, Strict |  | conduct that the City and |
|  |  |  |  | Liability) |  | County of Honolulu |
|  |  |  |  |  |  | contends actually and |
|  |  |  |  |  |  | proximately caused climate |
|  |  |  |  |  |  | change impacts. |
| City of Charleston v. | S.C. Ct. | Local/Regional | Companies | State Law | Fossil Fuel | Lawsuit seeking to hold |
| Brabham ***Oil*** Co. | Com. | Gov (City) | (Fossil Fuel) | (Nuisance, | Co. Liability | fossil fuel companies liable |
|  |  |  |  | Negligence, Strict |  | for the impacts of climate |
|  |  |  |  | Liability, South |  | change on the City of |
|  |  |  |  | Carolina Unfair |  | Charleston. |
|  |  |  |  | Trade Practices |  |  |
|  |  |  |  | Act)), Maritime |  |  |
|  |  |  |  | Law (Trespass) |  |  |
| City of Hoboken v. | D.N.J. | Local/Regional | Companies | State Law | Fossil Fuel | Lawsuit seeking to recover |
| Exxon Mobil Corp. |  | Gov (City) | (Fossil Fuel) | (Nuisance, | Co. Liability | climate change-related |
|  |  |  |  | Negligence, |  | damages allegedly resulting |
|  |  |  |  | Trespass, New |  | from the defendant energy |
|  |  |  |  | Jersey Consumer |  | companies' production of |
|  |  |  |  | Fraud Act) |  | fossil fuels and concealment |
|  |  |  |  |  |  | of fossil fuels' harms. |

| **Advancing and Enforcing Climate Protections (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Connecticut v. | D. | Local/Regional | Company (Fossil | State Law | Climate | Lawsuit seeking to hold |
| Exxon Mobil | Conn. | Gov (State) | Fuel) | (Connecticut | Misinformation | Exxon Mobil Corporation |
| Corporation |  |  |  | Unfair Trade | & | liable for violation of the |
|  |  |  |  | Practices Act) | Disclosures | Connecticut Unfair Trade |
|  |  |  |  |  |  | Practices Act in connection |
|  |  |  |  |  |  | with alleged deceptive acts |
|  |  |  |  |  |  | to create uncertainty about |
|  |  |  |  |  |  | climate science. |
| County of Maui v. | D. Haw. | Local/Regional | Companies | State Law | Fossil Fuel | Lawsuit brought by County |
| Sunoco LP |  | Gov (County) | (Fossil Fuel) | (Nuisance, | Co. Liability | of Maui against fossil fuel |
|  |  |  |  | Negligence, |  | companies to hold them |
|  |  |  |  | Trespass, Strict |  | liable for the impacts of |
|  |  |  |  | Liability) |  | climate change on Maui. |
| Delaware v. BP | D. Del. | Local/Regional | Companies | State Law | Fossil Fuel | Lawsuit seeking to hold the |
| America Inc. |  | Gov (State) | (Fossil Fuel) | (Nuisance, | Co. Liability | fossil fuel industry liable for |
|  |  |  |  | Negligence, |  | the physical, environmental, |
|  |  |  |  | Trespass, |  | social, and economic |
|  |  |  |  | Delaware |  | consequences of climate |
|  |  |  |  | Consumer Fraud |  | change in Delaware. |
|  |  |  |  | Act) |  |  |
| District of Columbia | D.D.C. | Local/Regional | Companies | Local Law (District | Climate | Lawsuit filed by the District |
| v. Exxon Mobil |  | Gov (City) | (Fossil Fuel) | of Columbia | Misinformation | of Columbia against ***oil*** and |
| Corp. |  |  |  | Consumer | & | gas companies for allegedly |
|  |  |  |  | Protection | Disclosures | violating the Consumer |
|  |  |  |  | Procedures Act) |  | Protection Procedures Act |
|  |  |  |  |  |  | by misleading consumers |
|  |  |  |  |  |  | about "the central role their |
|  |  |  |  |  |  | products play in causing |
|  |  |  |  |  |  | climate change." |

| **Advancing and Enforcing Climate Protections (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Natural Resources | S.D.N.Y. | NGO (Intl/Natl | DOE | Energy Policy and | Appliance, | Lawsuit asking the court to |
| Defense Council v. |  | Envtl, Local) |  | Conservation Act | Industrial, | set an enforceable schedule |
| Brouillette |  |  |  | (EPCA) | and | for the U.S. Department of |
|  |  |  |  |  | Building | Energy to review and |
|  |  |  |  |  | Standards | amend energy efficiency |
|  |  |  |  |  |  | standards for 25 consumer |
|  |  |  |  |  |  | and commercial products. |
| Natural Resources | D.C. | NGO (Intl/Natl | FERC | Federal Power Act | l Power | Challenge to FERC order |
| Defense Council v. | Cir. | Envtl) |  |  | Plants, | requiring application of |
| Federal Energy |  |  |  |  | Renewables, | "buyer-side mitigation" rules |
| Regulatory |  |  |  |  | & Energy | to demand response |
| Commission |  |  |  |  | Efficiency | resources in New York |
|  |  |  |  |  |  | capacity market. |
| Natural Resources | D.C. | NGO (Intl/Natl | DOE | Energy Policy and | Appliance, | Challenge to the U.S. |
| Defense Council v. | Cir. | Envtl, Local) |  | Conservation Act | Industrial, | Department of Energy's |
| U.S. Department of |  |  |  | (EPCA), Energy | and | December 2019 final rule |
| Energy |  |  |  | Independence and | Building | concerning energy |
|  |  |  |  | Security Act | Standards | conservation standards for |
|  |  |  |  | (EISA) |  | general service incandescent |
|  |  |  |  |  |  | lamps. |
| New York v. | S.D.N.Y. | NGO (Intl/Natl | DOE | Energy Policy and | Appliance, | Lawsuit asking the court to |
| Brouillette |  | Envtl), |  | Conservation Act | Industrial, | set an enforceable schedule |
|  |  | Local/Regional |  | (EPCA) | and | for the U.S. Department of |
|  |  | Gov (States, |  |  | Building | Energy to review and |
|  |  | Cities) |  |  | Standards | amend energy efficiency |
|  |  |  |  |  |  | standards for 25 consumer |
|  |  |  |  |  |  | and commercial products. |

| **Advancing and Enforcing Climate Protections (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **SectorVSummary** |  |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| New York v. U.S. | 2d. Cir. | Local/Regional | DOE | Energy Policy and | Appliance, | Challenge to U.S. |
| Department of |  | Gov (States, |  | Conservation Act | Industrial, | Department of Energy's |
| Energy |  | Cities) |  | (EPCA) | and | December 2019 final rule |
|  |  |  |  |  | Building | concerning energy |
|  |  |  |  |  | Standards | conservation standards for |
|  |  |  |  |  |  | general service incandescent |
|  |  |  |  |  |  | lamps. |
| RFS Power Coalition | D.C. | Trade | EPA | Clean Air Act | Vehicle | Challenge to EPA's final rule |
| v. EPA | Cir. | Association |  | (CAA), Energy | Emissions & | setting 2020 volume |
|  |  |  |  | Independence and | Fuels | requirements for renewable |
|  |  |  |  | Security Act |  | fuel production in the |
|  |  |  |  | (EISA), Energy |  | Renewable Fuel Standard |
|  |  |  |  | Policy Act of 2005 |  | Program. |
| State v. American | D. | Local/Regional | Companies | State Law (Fraud, | Fossil Fuel | Action brought by |
| Petroleum Institute | Minn. | Gov (State) | (Fossil Fuel) | Negligence, Strict | Co. Liability | Minnesota against members |
|  |  |  |  | Liability, |  | of the fossil fuel industry for |
|  |  |  |  | Minnesota |  | allegedly causing climate |
|  |  |  |  | Consumer Fraud |  | change harms by misleading |
|  |  |  |  | Act, Minnesota |  | the public by downplaying |
|  |  |  |  | Uniform |  | the threat of climate change |
|  |  |  |  | Deceptive Trade |  | and the role of their |
|  |  |  |  | Practices Act, |  | products in causing climate |
|  |  |  |  | Minnesota False |  | change. |
|  |  |  |  | Statement in |  |  |
|  |  |  |  | Advertising Act) |  |  |

| **Advancing and Enforcing Climate Protections (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| California v. Chao | D.D.C. | Local/Regional | DOT, NHTSA | National | Vehicle | Lawsuit challenging the |
|  |  | Gov (States, |  | Environmental | Emissions & | National Highway Traffic |
|  |  | Cities), NGO |  | Policy Act | Fuels | Safety Administration's final |
|  |  | (Intl/Natl Envtl) |  | (NEPA), Clean Air |  | rule preempting state |
|  |  |  |  | Act (CAA), Energy |  | regulation of carbon dioxide |
|  |  |  |  | Policy and |  | emissions from vehicles. |
|  |  |  |  | Conservation Act |  |  |
|  |  |  |  | (EPCA), Energy |  |  |
|  |  |  |  | Independence and |  |  |
|  |  |  |  | Security Act |  |  |
|  |  |  |  | (EISA), |  |  |
|  |  |  |  | Administrative |  |  |
|  |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Commonwealth v. | D. Mass. | Local/Regional | Company (Gas) | State Law | Climate | Action by Massachusetts |
| Exxon Mobil Corp. |  | Gov (State) |  | (Massachusetts | Misinformat | attorney general asserting |
|  |  |  |  | Consumer | ion & | that Exxon Mobil |
|  |  |  |  | Protection Act) | Disclosures | Corporation committed |
|  |  |  |  |  |  | deceptive practices against |
|  |  |  |  |  |  | Massachusetts investors and |
|  |  |  |  |  |  | consumers, including by |
|  |  |  |  |  |  | failing to disclose climate |
|  |  |  |  |  |  | change risks. |
| Dakota Rural Action | D.S.D. | NGO (Intl/Natl | Local/Regional | US Constitution | Speech or | Challenge by environmental |
| v. Noem |  | Envtl, Local), | Gov (State, local | (1st Amendment, | Protest | and indigenous groups and |
|  |  | Individual | sheriff) | 14th Amendment) |  | activists to South Dakota's |
|  |  |  |  |  |  | "Riot Boosting Act." |

| **Advancing and Enforcing Climate Protections (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Ellis v. Salt River | 9th Cir. | Individuals | Company (Public | US Constitution | Gov. | Antitrust class action |
| Project Agricultural |  |  | Utility) | (14th | Violation of | lawsuit challenging a |
| Improvement & |  |  |  | Amendment); | Constitution | utility's allegedly |
| Power District |  |  |  | Sherman Antitrust | al Rights | discriminatory pricing |
|  |  |  |  | Act; |  | scheme for electricity for |
|  |  |  |  |  |  | consumers with solar energy |
|  |  |  |  |  |  | systems. |
| Environmental | D.C. | NGO (Intl/Natl | NHTSA | Clean Air Act | Vehicle | Protective petition for |
| Defense Fund v. | Cir. | Envtl) |  | (CAA), Energy | Emissions & | review filed to challenge |
| National Highway |  |  |  | Policy and | Fuels | National Highway Traffic |
| Traffic Safety |  |  |  | Conservation |  | Safety Administration's rule |
| Administration |  |  |  | (EPCA) |  | withdrawing California's |
|  |  |  |  |  |  | waiver for its greenhouse |
|  |  |  |  |  |  | gas and zero-emission |
|  |  |  |  |  |  | vehicle (ZEV) program and |
|  |  |  |  |  |  | preempting state programs. |
| Environmental | S.D.N.Y. | NGO (Intl/Natl | EPA | Clean Water Act | Impacts on | Lawsuit to compel EPA to |
| Justice Health |  | Envtl) |  | (CWA), | Climate, | issue regulations requiring |
| Alliance for |  |  |  | Administrative | Land, | chemical facilities to develop |
| Chemical Policy |  |  |  | Procedure Act | Water, & | plans to prevent, mitigate, |
| Reform v. EPA |  |  |  | (APA) | Wildlife | and respond to worst-case |
|  |  |  |  |  |  | spill regulations. |
| Environmental Law | N.D. | NGO (Intl/Natl | EPA | Clean Water Act | Impacts on | Citizen suit challenging |
| & Policy Center v. | Ohio | Envtl, Local) |  | (CWA), APA | Climate, | EPA's alleged inaction |
| EPA |  |  |  |  | Land, | regarding Ohio |
|  |  |  |  |  | Water, & | Environmental Protection |
|  |  |  |  |  | Wildlife | Agency's failure to develop |
|  |  |  |  |  |  | a Total Maximum Daily |
|  |  |  |  |  |  | Load for western Lake Erie |

| **Advancing and Enforcing Climate Protections (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  |  |  | or otherwise address |
|  |  |  |  |  |  | western Lake Erie's |
|  |  |  |  |  |  | impairment. |
| Harrison County v. | S.D. | Local/Regional | Miss. River | National | Impacts on | Lawsuit asserting that U.S. |
| Mississippi River | Miss. | Gov (Cities | Commission, | Environmental | Climate, | Army Corps of Engineers |
| Commission |  | Counties); Trade | USACE | Policy Act | Land, | and Mississippi River |
|  |  | Groups (Hotels, |  | (NEPA), | Water, & | Commission failed to |
|  |  | Commercial |  | Magnuson- | Wildlife | consider and mitigate |
|  |  | Fisheries) |  | Stevens Act |  | impacts of opening of |
|  |  |  |  |  |  | spillway on Mississippi |
|  |  |  |  |  |  | River on coastal |
|  |  |  |  |  |  | communities and resources. |
| In re Exxon Mobil | N.D. | Individuals | Company (Fossil | Securities Act of | Climate | Shareholder derivative |
| Corp. Derivative | Tex. |  | Fuel) | 1933/Securities | Misinformat | complaint against directors |
| Litigation |  |  |  | Exchange Act of | ion & | and senior officers of Exxon |
|  |  |  |  | 1934; State Law | Disclosures | Mobil Corporation for |
|  |  |  |  | (Unjust |  | misleading the public |
|  |  |  |  | Enrichment, |  | concerning climate change |
|  |  |  |  | Breach of |  | and its impacts on Exxon's |
|  |  |  |  | Fiduciary Duty, |  | business. |
|  |  |  |  | Waste) |  |  |
| Komor v. United | D. Ariz. | Individual | President Trump, | Public Trust | Gov. | Constitutional climate |
| States |  |  | CEQ, OMB, OST, | Doctrine, Ninth | Violation of | change lawsuit seeking an |
|  |  |  | DOE, DOI, DOT, | Amendment, | Constitution | order requiring the federal |
|  |  |  | USDA, DOC, | Fourteenth | al Rights | government to research and |
|  |  |  | DOD, Dept. of | Amendment |  | establish a program for |
|  |  |  | State, EPA | (Equal Protection, |  | direct atmospheric carbon |
|  |  |  |  | Due Process) |  | removal. |

| **Advancing and Enforcing Climate Protections (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Renewable Fuels | D.C. | Trade Groups | EPA | Clean Air Act | Power | Challenge to EPA's August |
| Association v. EPA | Cir. | (Farmers, |  | (CAA), Energy | Plants, | 2019 decision regarding |
|  |  | ethanol) |  | Independence and | Renewables, | small refinery exemptions to |
|  |  |  |  | Security Act | & Energy | renewable fuel standard |
|  |  |  |  | (EISA), Energy | Efficiency | requirements for 2018. |
|  |  |  |  | Policy Act of 2005) |  |  |
| San Francisco | N.D. | NGO (Local), | EPA | Clean Water Act | Impacts on | Challenge to EPA's |
| Baykeeper v. EPA | Cal. | Local/Regional |  | (CWA), | Climate, | determination that the |
|  |  | Gov (State) |  | Administrative | Land, | Redwood City Salt Ponds |
|  |  |  |  | Procedure Act | Water, & | were not within the |
|  |  |  |  | (APA) | Wildlife | jurisdiction of the Clean |
|  |  |  |  |  |  | Water Act. |
| Spoon v. Bayou | M.D. La. | Individuals | Industry (fossil | U.S. Constitution | Speech or | Lawsuit by pipeline |
| Bridge Pipeline LLC |  |  | fuel), Local Gov |  | Protest | protesters against pipeline |
|  |  |  |  |  |  | company, law enforcement |
|  |  |  |  |  |  | officers, and a private |
|  |  |  |  |  |  | security company for |
|  |  |  |  |  |  | violation of federal and state |
|  |  |  |  |  |  | rights. |
| Tosdal v. | D. | Private | Industry | Securities | Power | Lawsuit seeking to bar the |
| NorthWestern Corp. | Mont. | Individual | (utilities) | Exchange Act | Plants, | defendant from excluding |
|  |  |  |  |  | Renewables, | the plaintiff's shareholder |
|  |  |  |  |  | & Energy | proposal requesting that the |
|  |  |  |  |  | Efficiency | defendant cease coal-fired |
|  |  |  |  |  |  | power generation. |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Union of Concerned | D.C. | NGO (Intl/Natl | NHTSA, EPA | Clean Air Act | Vehicle | Challenging the National |
| Scientists v. National | Cir. | Envtl, Other) |  | (CAA), | Emissions & | Highway Traffic Safety |
| Highway Traffic |  | Local/Regional |  | Administrative | Fuels | Administration's rule |
| Safety |  | Gov (States, |  | Procedure Act |  | preempting state limits on |
| Administration |  | Cities), Trade |  | (APA) |  | tailpipe greenhouse gas |
|  |  | Group, |  |  |  | emissions and zero-emission |
|  |  | Companies |  |  |  | vehicle mandates and EPA's |
|  |  | (Utilities) |  |  |  | withdrawal of California's |
|  |  |  |  |  |  | waiver. |
| York County v. | N.D. | Local Gov (city, | Industry | Securities Act of | Impacts on | Bond Investors Filed |
| Rambo | Cal. | county), Labor | (utilities/banking) | 1933 | Land, | Securities Action Against |
|  |  | (pension funds) |  |  | Water, & | PG&E for Misrepresenting |
|  |  |  |  |  | Wildlife | Efforts to Address Wildfire |
|  |  |  |  |  |  | Risks. |

| **Deregulating, Undermining Climate Protections, or Targeting** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Climate Protections Supporters (Jan 1-20, 2021)** |  |  |  |  |  |  |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Minnesota | D. Minn. | Trade | Local/Regional | Clean Air Act | Vehicle | Lawsuit to enjoin the |
| Automobile |  | Association | Gov (State) | (CAA), Energy | Emissions & | Minnesota Pollution Control |
| Dealers |  |  |  | Policy and | Fuels | Agency from establishing |
| Association v. |  |  |  | Conservation |  | greenhouse gas emissions |
| Minnesota |  |  |  | Act (EPCA) |  | standards for new vehicles |
|  |  |  |  |  |  | and imposing quotas for |
|  |  |  |  |  |  | zero-emission vehicle sales. |

| **Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2020)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or Petitioner** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Type** |  | **Law(s)** |  |  |
| Competitive | D.C. Cir. | NGO (Other) | NHTSA, | Clean Air Act | Vehicle Emissions | Challenge to the Trump |
| Enterprise |  |  | EPA, DOT | (CAA), Energy | & Fuels | administration's amendment of |
| Institute v. |  |  |  | Policy and |  | greenhouse gas and fuel |
| National |  |  |  | Conservation Act |  | economy standards for |
| Highway Traffic |  |  |  | (EPCA), |  | passenger cars and light trucks. |
| Safety |  |  |  | Administrative |  |  |
| Administration |  |  |  | Procedure Act |  |  |
|  |  |  |  | (APA) |  |  |
| Levin Richmond | N.D. Cal. | Companies (Transport, | Local/Regio | 5th Amendment, | Fossil Fuel | Challenge to City of Richmond |
| Terminal Corp. v. |  | Fossil Fuel) | nal Gov | 14th Amendment, | Extraction, | ordinance that prohibited |
| City of Richmond |  |  | (City) | Commerce Clause, | Processing, & | transloading and export of coal |
|  |  |  |  | Interstate | Transport | and petroleum coke. |
|  |  |  |  | Commerce |  |  |
|  |  |  |  | Commission |  |  |
|  |  |  |  | Termination Act of |  |  |
|  |  |  |  | 1995 (ICCTA), |  |  |
|  |  |  |  | Hazardous |  |  |
|  |  |  |  | Materials |  |  |
|  |  |  |  | Transportation Act, |  |  |
|  |  |  |  | Shipping Act of |  |  |
|  |  |  |  | 1984 |  |  |
| Montana v. | U.S.S.C. | Local/Regional Gov | Local/Regio | Commerce Clause, | Gov. Violation of | Bill of complaint in the U.S. |
| Washington |  | (States) | nal Gov | Foreign Commerce | Constitutional | Supreme Court by Montana and |
|  |  |  | (State) | Clause | Rights (Not | Wyoming asserting that the |
|  |  |  |  |  | Speech) | State of Washington |
|  |  |  |  |  |  | unconstitutionally blocked the |
|  |  |  |  |  |  | use of its ports for shipments of |
|  |  |  |  |  |  | coal mined in Montana and |
|  |  |  |  |  |  | Wyoming. |

| **Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2019)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or Petitioner** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Type** |  | **Law(s)** |  |  |
| California | N.D. Cal. | Trade Group | Local/Regio | Energy Policy and | Appliance, | Challenge to a City of Berkeley |
| Restaurant |  | (Restaurants) | nal Gov | Conservation Act | Industrial, and | ordinance banning natural gas |
| Association v. |  |  | (City) | (EPCA), Supremacy | Building | infrastructure in new buildings. |
| City of Berkeley |  |  |  | Clause | Standards |  |
| Colorado | Colo. Dist. | Trade Group | Local/Regio | Clean Air Act | Vehicle Emissions | Challenge to Colorado's |
| Automobile | Ct. | (Automobile Dealers) | nal Gov | (CAA) | & Fuels | adoption of California's low |
| Dealers |  |  | (State) |  |  | emission vehicle emission |
| Association v. |  |  |  |  |  | standards (LEV III) for light- |
| Colorado |  |  |  |  |  | duty passenger vehicles and |
| Department of |  |  |  |  |  | trucks and medium-duty |
| Public Health & |  |  |  |  |  | passenger vehicles. |
| Environment |  |  |  |  |  |  |
| Energy Policy | D.D.C. | NGO (Intl/Natl) | Dept. of | Freedom of | Gov. Records or | Freedom of Information Act |
| Advocates v. US |  |  | State | Information Act | Communications | lawsuit seeking records from |
| Department of |  |  |  | (FOIA) | Request | the U.S. Department of State |
| State |  |  |  |  |  | concerning its analysis of |
|  |  |  |  |  |  | whether the 2015 Paris |
|  |  |  |  |  |  | Agreement constituted a treaty. |
| Energy Transfer | D.N.D. | Company (Fossil Fuel) | NGO | State Law | (Fossil Fuel | Lawsuit by the developers of |
| LP v. Greenpeace |  |  | (Intl/Natl | (Defamation, | Extraction, | the Dakota Access Pipeline |
| International |  |  | Envtl, | Trespass, | Processing, & | seeking damages from |
|  |  |  | Local), | Conversion, | Transport | organizations and individuals |
|  |  |  | Individuals | Tortious |  | who protested the pipeline. |
|  |  |  |  | Interference, |  |  |
|  |  |  |  | Conspiracy) |  |  |
| Field v. EPA | N.D. Tex. | Individual | . EPA | Clean Air Act | Impacts on Land, | Pro se plaintiff's lawsuit |
|  |  |  |  | (CAA) | Water, & Wildlife | alleging that EPA restrictions on |
|  |  |  |  |  |  | aerosols caused global |
|  |  |  |  |  |  | warming. |
| Freedom to Drive | Colo. Dist. | Trade Groups | Local/Regio | Clean Air Act | Vehicle Emissions | Challenge to the Colorado Air |
| Inc. v. Colorado | Ct. |  | nal Gov | (CAA), Energy | & Fuels | Quality Control Commission's |
| Air Quality |  |  | (State) | Policy and |  | adoption of a modified version |
| Control |  |  |  | Conservation Act |  | of the California Zero Emission |
| Commission |  |  |  | (EPCA) |  | Vehicle program. |
| POET Biorefining, | D.C. Cir. | Industry (Company) | EPA | Clean Air Act | Vehicle Emissions | Challenge to EPA guidance |
| LLC v. EPA |  |  |  | (CAA), | & Fuels | document about calculating the |
|  |  |  |  | Administrative |  | amount of cellulosic biofuel in |
|  |  |  |  | Procedure Act |  | ethanol produced from corn |
|  |  |  |  | (APA) |  | kernels. |
| Roemer v. | 2d Cir. | Individual | Individual | First Amendment | Speech or Protest | Lawsuit seeking to compel a |
| Williams |  |  |  |  | Related to Fossil | community college president to |
|  |  |  |  |  | Fuels | require distribution of plaintiff's |
|  |  |  |  |  |  | position paper referring to |
|  |  |  |  |  |  | political movements to reduce |
|  |  |  |  |  |  | fossil fuel use as "malicious |
|  |  |  |  |  |  | hoax." |
| United States v. | E.D. Cal. | Fed Gov | Local/Regio | U.S. Constitution | Power Plants, | Federal government's lawsuit |
| California |  |  | nal Gov |  | Renewables, & | challenging California's |
|  |  |  | (State), |  | Energy Efficiency | greenhouse gas emissions cap- |
|  |  |  | NGO |  |  | and-trade agreement with the |
|  |  |  | (Intl/Natl |  |  | provincial government of |
|  |  |  | Envtl) |  |  | Quebec, Canada. |

**APPENDIX B: 2019 -- JAN. 20, 2021 LITIGATION MATTERS NOT INCLUDED IN THE ANALYSIS**

These tables contain cases and other legal matters that were excluded from the dataset because they were primarily focused on state or local law. The case summaries are taken from the Sabin-AP U.S. Climate Change Litigation database available at http://climatecasechart.com/us-climate-change-litigation/.

| **Cases Primarily of State or Local Significance (2020)** |  |
| --- | --- |
| **Case** | **Summary** |
| Energy Policy Advocates v. Attorney General's Office | Lawsuit seeking communications and other records, including emails regarding |
|  | climate change, from Vermont attorney general's office. |
| Energy Policy Advocates v. Balderas | Lawsuit to compel disclosure of the New Mexico Attorney General's |
|  | communications and agreements with other states' attorneys general offices. |
| Energy Policy Advocates v. City of Baltimore Department | Lawsuit to compel the Baltimore Law Department to disclose agreements and |
| of Law | correspondence with law firm representing it in climate nuisance litigation as well as |
|  | correspondence with certain activists. |
| Energy Policy Advocates v. Ellison | Lawsuit to compel disclosure of records related to the relationship between the |
|  | Minnesota Attorney General and an outside group that funds "special attorneys |
|  | general" to advance progressive climate change positions. |
| Energy Policy Advocates v. Nessel | Lawsuit seeking to compel disclosure of correspondence and other records of the |
|  | Michigan Department of Attorney General that allegedly concerned the |
|  | Department's "involvement with outside pressure groups and plaintiff's tort |
|  | attorneys." |
| Animal Legal Defense Fund v. Foster Poultry Farms | Lawsuit alleging that a chicken slaughterhouse's use of millions of gallons of |
|  | groundwater was unreasonable in violation of Article X, Section 2, of the California |
|  | Constitution. |
| California Chaparral Institute v. Board of Forestry & Fire | Challenge to California Vegetation Treatment Program, a component of California's |
| Protection | plan to reduce wildfire risk. |
| California Natural Gas Vehicle Coalition v. California Air | Challenge to California's Advanced Clean Truck Regulation, which requires an |
| Resources Board | increasing percentage of medium- and heavy-duty zero-emissions vehicles. |
| Center for Biological Diversity v. County of ***Kern*** | Challenges to approvals of a project in California that would include 12,000 dwelling |
|  | units, up to 5.1 million square feet of commercial land uses, and a development |
|  | footprint of 4,643 acres. |
| Chiquita Canyon, LLC v. County of Los Angeles | Challenge by owner and operator of a Los Angeles County landfill to permit |
|  | conditions. |
| City of Arcata v. Pacific Gas & Electric Co. | Lawsuit by California cities and county against utility for withholding amounts |
|  | collected as greenhouse gas credits from electricity users from taxes paid to the |
|  | plaintiffs under their electricity ordinances. |
| Clean Wisconsin, Inc. v. Public Service Commission | Challenge to the Wisconsin Public Service Commission's decision approving a |
|  | Certificate of Public Convenience and Necessity (CPCN) for a proposed |
|  | 625-megawatt natural gas-powered generating facility. |
| Columbia Riverkeeper v. Oregon Department of Energy | Lawsuit alleging that the Oregon Department of Energy unlawfully allowed |
|  | construction of a natural gas plant. |
| East River Park Action v. City of New York | Lawsuit challenging New York City's approval of a resiliency plan for the Lower |
|  | East Side that involved elevating an existing park on the East River by eight feet to |
|  | serve as a barrier to coastal storms and flooding. |
| Energy Policy Advocates v. Office of the Attorney | Lawsuit to compel the Washington attorney general to disclose correspondence with |
| General | climate activists who allegedly "campaigned for attorneys general to pursue |
|  | opponents of their preferred policies, and to assist a private tort litigation campaign." |
| Energy Policy Advocates v. Office of the Attorney | Lawsuit to compel disclosure of communications between the Massachusetts Office |
| General | of the Attorney General and outside lawyers. |
| Environmental Defense Fund v. Colorado Air Quality | Lawsuit to compel Colorado agencies to propose regulations to reduce statewide |
| Control Commission | greenhouse gas emissions as required by 2019 laws. |
| Friends of Big Bear Valley v. County of San Bernardino | Challenge to the environmental review for a 50-lot residential development adjacent |
|  | to Big Bear Lake in California. |
| Friends of the Headwaters v. Minnesota Pollution | Challenge to Minnesota's granting of a water quality certification for the Enbridge |
| Control Agency (In re 401 Certification for Line 3 | Line 3 crude ***oil*** pipeline. |
| Replacement Project) |  |
| Held v. State | Lawsuit seeking declaration of right under the Montana constitution to a stable |
|  | climate system and to compel Montana to prepare and implement a remedial plan to |
|  | reduce greenhouse gas emissions. |
| Hurst v. Rosenblum | Challenge to the drafting of a ballot title that would amend Oregon law to establish a |
|  | greenhouse gas emissions reduction mandate. |
| In re Enbridge Energy, LP | Challenge to Minnesota Public Utilities Commission authorization of Line 3 pipeline |
|  | project. |
| Jacob v. Bloom Energy Corp. | Lawsuit to compel company to allow stockholders to inspect books and records for |
|  | multiple purposes, including to investigate potential misrepresentations regarding |
|  | performance of "green energy" technology. |
| Kaupiko v. Department of Land & Natural Resources | Lawsuit alleging that licenses for commercial aquarium fishing could not be granted |
|  | without environmental review. |
| Newberry Community Services District v. County of San | Challenge to authorizations for a solar power generating facility across 3,500 acres in |
| Bernardino | California. |
| Preserve Wild Santee v. City of Santee | Challenge to environmental review for a development in the City of Santee that |
|  | allegedly would be located on a 2,638-acre site and include 2,900 to 3,000 residential |
|  | units, commercial structures, a road network, and other infrastructure. |
| Richardson v. Clarno | Challenge to Oregon Secretary of State's rejection of two clean energy ballot |
|  | measures. |
| Sierra Club v. California Department of Water Resources | Challenge to the approval of the Long-Term Operation of the State Water Project. |
| Sierra Club v. California Department of Water Resources | Lawsuit alleging failure to comply with California Environmental Quality Act before |
|  | approving revenue bonds to fund tunnel under the Sacramento-San Joaquin Delta |
| South Coast Air Quality Management District v. City of | Challenge to California Environmental Quality Act review for shipping terminal |
| Los Angeles | project at Port of Los Angeles. |
| Southern California Gas Co. v. California State Energy | Challenge to California Energy Commission policy that allegedly disregarded state |
| Resources Conservation and Development Commission | law by eliminating use of natural gas in the state. |
| Western States Petroleum Association v. California Air | Challenge to California Air Resources Board's adoption of amended emission control |
| Resources Board | measures for ocean-going vessels at berth in California ports. |
| WG Woodmere LLC v. Town of Hempstead | Challenge to rezoning of golf club property on Long Island in New York as a |
|  | "Coastal Conservation District." |
| WildEarth Guardians v. Polis | Lawsuit to compel Colorado state defendants to publish a proposed rule setting |
|  | forth measures to meet statutory greenhouse gas reduction goals. |

| **Cases Primarily of State or Local Significance (2019)** |  |
| --- | --- |
| **Case** | **Summary** |
| Center for Biological Diversity v. County of Los Angeles | Challenge to land use approvals for a residential development in |
|  | southern California. |
| Center for Biological Diversity v. County of Los Angeles | Challenge to large development project on border of Los Angeles |
|  | County and ***Kern*** County. |
| Citizens Committee to Complete the Refuge v. City of Newark | Lawsuit challenging environmental review for shoreline residential |
|  | development. |
| City of Torrance v. Southern California Edison Co. | Lawsuit by California city against utility for withholding amounts |
|  | collected as greenhouse gas credits from electricity users from taxes paid |
|  | to the City under its electricity tax ordinance. |
| Davisson Enterprises, Inc. v. City of San Diego | Challenge to a mixed-use development on 93.4 acres for failure to |
|  | comply with the California Environmental Quality Act and land use and |
|  | planning requirements. |
| Energy Policy Advocates v. Ellison | Lawsuit seeking to compel disclosure of information related to program |
|  | to place private attorneys in Minnesota attorney general's office. |
| Friends of Flint Mine Solar v. Town Board of Coxsackie | Challenge to town zoning ordinance that restricted locations for |
|  | utility-scale solar collection systems. |
| Friends of Rose Creek v. City of San Diego | Challenge to the City of San Diego's approval of specific plan for |
|  | approximately 210 acres that was intended to provide a framework for |
|  | transit-oriented development in the affected neighborhood. |
| Gallaher v. City of Santa Rosa | Challenge to City of Santa Rosa law restricting natural gas appliances in |
|  | new homes. |
| Gameros v. City of San Diego | Challenge to City of San Diego's ordinance banning distribution of |
|  | polystyrene foam food containers. |
| Government Accountability & Oversight, P.C. v. Frosh | Lawsuit seeking to compel disclosure of the Maryland Office of the |
|  | Attorney General's application to participate in a program in which a |
|  | center at NYU Law School would hire a fellow to serve as special |
|  | assistant attorney general. |
| In re Acorn Energy Solar 2, LLC | Challenge to certificate of public good granted for construction and |
|  | operation of a solar net-metering system. |
| In re Central Maine Power Co. | Appeal of Maine Public Utilities Commission's approval of a |
|  | transmission line for Canadian hydropower. |
| In re Proposed Expansion of Daley Farms of Lewiston LLP et al. | Challenge to decisions by Minnesota Pollution Control Agency denial of |
|  | requests for a contested-case hearing on a NPDES feedlot permit and for |
|  | an environmental impact statement for expansion of dairy. |
| In re The Gas Co. dba Hawaii Gas | Challenge to the Hawaii Public Utilities Commission's approval of a rate |
|  | increase that allowed a utility to pass the costs of two liquid natural gas |
|  | project on to its customers. |
| Jensen v. Town of Fraser | Lawsuit challenging a Colorado town's sign code as an unconstitutional |
|  | content-based restriction on free speech. |
| John R. Lawson Rock & ***Oil***, Inc. v. California Air Resources Board | Challenge to proposed amendments to California's greenhouse gas |
|  | emissions standards for medium- and heavy-duty engines and vehicles |
|  | and to the Tractor-Trailer Greenhouse Gas Regulation. |
| Landman v. Scott | Lawsuit filed by a Colorado resident against a state senator who blocked |
|  | her on social media after she criticized his climate change views. |
| Minnesota Center for Environmental Advocacy v. Minnesota Public | Challenge to the Minnesota Public Utilities Commission approval of a |
| Utilities Commission | Minnesota utility's 50% stake in a new gas-fired power plant in |
|  | Wisconsin. |
| Morena United v. City of San Diego | Challenge to the City of San Diego's approval of the Morena Corridor |
|  | Specific Plan, including for violating the City's Climate Action Plan. |
| NextEra Energy Resources, LLC v. Maine Public Utilities Commission | Challenge to certificate of public convenience and necessity for the New |
|  | England Clean Energy Connect project. |
| Protect Our Ala Wai Watersheds v. Miyahira | Challenge to funding for flood management project along the Ala Wai |
|  | Canal. |
| Public Watchdogs v. Southern California Edison Co. | Challenge to decommissioning plan for nuclear generating station in |
|  | California based in part on climate change risks. |
| San Francisco Taxi Coalition v. City & County of San Francisco | Challenge to limitations on taxi airport pickups. |
| Save Berkeley's Neighborhoods v. Regents of the University of | Challenge to environmental review for the Upper Hearst Development |
| California | Plan for Goldman School of Public Policy and Minor Amendment to the |
|  | 2020 Long Range Development Plan for Berkeley, including failure to |
|  | assess or mitigate impacts on climate change. |
| Save Our Sherwoods v. U.S. Department of the Interior | Challenge to the development of a sports complex in Honolulu, |
|  | including for failure to consider the impacts of climate change on the |
|  | project. |
| Sierra Club v. County of San Diego | Challenge to the environmental review for the Otay Ranch Resort Village |
|  | 14 project in San Diego County, California. |
| State v. Butler | Criminal case against climate activists charged with criminal trespass in |
|  | connection with their protest that involved laying dirt and straw over |
|  | railroad tracks used by an energy company. |
| The Two Hundred v. Governor's Office of Planning & Research | Challenge to new California Environmental Quality Act regulations. |
| Von Oeyen v. Southern California Edison Co. | Lawsuit seeking damages from utility and owner of former rocket |
|  | engine test and nuclear research facility in connection with destruction |
|  | of homes and other property by the Woolsey Fire in Malibu. |
| Wheelabrator Baltimore, L.P. v. Mayor & City Council of Baltimore | Challenge by operators of waste-to-energy facility and |
|  | hospital/medical/infectious waste incineration facility to the Baltimore |
|  | Clean Air Act. |
| White Hat v. Landry | Lawsuit challenging 2018 amendments to a Louisiana law that prohibits |
|  | unauthorized entry of critical infrastructure by expanding the definition |
|  | of critical infrastructure to include 125,000 miles of pipelines. |
| Wildgrass ***Oil*** & Gas Committee v. Colorado ***Oil*** & Gas Conservation | State Lawsuit in Colorado Sought Stay on Permitting for ***Oil*** and Natural |
| Commission | Gas Development Pending Completion of Rulemaking Under New Law. |

**APPENDIX C: 2017 - 2018 CASES REVIEWED IN THE ANALYSIS**

The cases included in the data set are listed below and grouped by their trend categorization. The case summaries are taken from the Sabin-AP U.S. Climate Change Litigation database available at http://climatecasechart.com/us-climate-change-litigation/. Case status is not provided because this information is constantly evolving.

| **Defending Obama Administration Climate Policies & Decisions (2017)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  |  |  |  |
| California v. U.S. | N.D. Cal. | State | BLM, DOI | Administrative Procedure Act | Fossil Fuel | Challenge to a U.S. Bureau |
| Bureau of Land |  | Government |  | (APA), Federal Land Policy | Extraction & | of Land Management rule |
| Management |  | Entity, Intl/Natl |  | and Management Act | Transport | postponing compliance |
|  |  | Environmental |  | (FLPMA), Federal ***Oil*** and Gas |  | dates for Waste Prevention |
|  |  | NGO, Local or |  | Royalty Management Act, |  | Rule for one year. |
|  |  | Regional Group |  | National Environmental Policy |  |  |
|  |  |  |  | Act (NEPA), Mineral Leasing |  |  |
|  |  |  |  | Act (MLA) |  |  |
| California v. U.S. | N.D. Cal. | State | BLM | Administrative Procedure Act | Fossil Fuel | Challenge to U.S. Bureau of |
| Bureau of Land |  | Government |  | (APA) | Extraction & | Land Management decision |
| Management |  | Entity |  |  | Transport | to postpone compliance |
|  |  |  |  |  |  | dates for waste prevention |
|  |  |  |  |  |  | rule. |
| Citizens for Clean | D. Mont. | Tribe, State | DOI, BLM | Administrative Procedure Act | Fossil Fuel | Challenge to lifting of |
| Energy v. U.S. |  | Government |  | (APA), Clean Water Act | Extraction & | moratorium on federal coal |
| Department of |  | Entity, Intl/Natl |  | (CWA), National | Transport | leasing and cessation of |
| Interior |  | Environmental |  | Environmental Policy Act |  | programmatic |
|  |  | NGO, Local or |  | (NEPA) |  | environmental review of |
|  |  | Regional Group |  |  |  | leasing program. |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  |  |  |  |
| Clean Air Carolina | S.D.N.Y. | Intl/Natl | Federal | Administrative Procedure Act | Vehicle | Challenge to Federal |
| v. U.S. |  | Environmental | Highway | (APA) | Emissions & | Highway Administration's |
| Department of |  | NGO, Local or | Administration |  | Fuels | indefinite suspension of |
| Transportation |  | Regional NGO, |  |  |  | greenhouse gas |
|  |  | Other Intl/Natl |  |  |  | performance measure for |
|  |  | NGO |  |  |  | highway system. |
|  |  |  |  |  |  |  |
| Clean Air Council | D.C. Cir. | Intl/Natl | EPA | Administrative Procedure Act | Fossil Fuel | Challenge to EPA's |
| v. Pruitt |  | Environmental |  | (APA), Clean Air Act (CAA) | Extraction & | administrative stay of |
|  |  | NGO |  |  | Transport | portions of the 2016 new |
|  |  |  |  |  |  | source performance |
|  |  |  |  |  |  | standards for sources in the |
|  |  |  |  |  |  | ***oil*** and gas sector. |
| Indigenous | D. Mont. | Intl/Natl | Dept. of | Administrative Procedure Act | Fossil Fuel | Challenge to Trump |
| Environmental |  | Environmental | State, FWS | (APA), Bald and Golden Eagle | Extraction & | administration approval of |
| Network v. United |  | NGO, Local or |  | Protection Act, Endangered | Transport | a presidential permit for the |
| States Department |  | Regional Group |  | Species Act (ESA), National |  | Keystone XL pipeline. |
| of State |  |  |  | Environmental Policy Act |  |  |
|  |  |  |  | (NEPA), Migratory Bird |  |  |
|  |  |  |  | Treaty Act |  |  |
| League of | D. Alaska | Intl/Natl | President | Outer Continental Shelf | Fossil Fuel | Challenge to executive |
| Conservation |  | Environmental | Trump, | Leasing Act (OCSLA) | Extraction & | order reversing President |
| Voters v. Trump |  | NGO, Local or | DOI, Dept. |  | Transport | Obama's withdrawal of |
|  |  | Regional Group | of |  |  | lands in the Atlantic and |
|  |  |  | Commerce |  |  | Arctic Oceans from future |
|  |  |  |  |  |  | ***oil*** and gas leasing. |
| Natural Resources | N.D. Cal. | Municipal | DOE | Administrative Procedure Act | Appliance, | Challenge to U.S. |
| Defense Council v. |  | Government |  | (APA), Energy & Conservation | Industrial, | Department of Energy's |
| Perry |  | Entity, State |  | Act, Federal Register Act | and | failure to publish final |
|  |  | Government |  |  | Building | energy efficiency standards. |
|  |  | Entity |  |  | Standards |  |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  |  |  |  |
| Natural Resources | 2d Cir. | Municipality, | DOE | Administrative Procedure Act | Appliance, | Challenge to the U.S. |
| Defense Council, |  | State |  | (APA), Energy Policy & | Industrial, | Department of Energy's |
| Inc. v. Perry |  | Government |  | Conservation Act | and | decisions to delay the |
|  |  | Entity, Intl/Natl |  |  | Building | effective date for ceiling fan |
|  |  | Envtl NGO |  |  | Standards | energy efficiency standards. |
| Natural Resources | D.C. Cir. | Intl/Natl | EPA | Administrative Procedure Act | Landfill | Challenge to EPA's |
| Defense Council v. |  | Environmental |  | (APA), Clean Air Act (CAA) | Emissions | administrative stay of |
| Pruitt |  | NGO, Local or |  |  |  | performance standards and |
|  |  | Regional Group |  |  |  | emission guidelines for |
|  |  |  |  |  |  | municipal solid waste |
|  |  |  |  |  |  | landfills. |
| Natural Resources | 2d Cir. | Intl/Natl | NHWTSA, | Administrative Procedure Act | Vehicle | Challenge to delay of |
| Defense Council, |  | Environmental | DOT | (APA), Energy Conservation | Emissions & | effective date for rule |
| Inc. v. National |  | NGO, State |  | Act | Fuels | increasing civil penalties for |
| Highway Traffic |  | Government |  |  |  | violations of CAFE |
| Safety |  | Entity |  |  |  | standards. |
| Administration |  |  |  |  |  |  |
| People of State of | N.D. Cal. | f State | DOT, | Administrative Procedure Act | Vehicle | Challenge to delays and |
| California v. U.S. |  | Government | FHWA | (APA) | Emissions & | suspension of greenhouse |
| Department of |  | Entity |  |  | Fuels | gas performance measures |
| Transportation |  |  |  |  |  | for the national highway |
|  |  |  |  |  |  | system. |
| Public Citizen, Inc. | D.D.C. | Intl/Natl | President | Administrative Procedure Act | Government | Challenge to President |
| v. Trump |  | Environmental | . Trump | (APA), Constitutional (Take | Violation of | Trump's executive order on |
|  |  | NGO, Other |  | Care Clause, Separation of | Constitution | "Reducing Regulation and |
|  |  | Intl/Natl NGO, |  | Powers) | al Rights | Controlling Regulatory |
|  |  | Union |  |  |  | Costs" as well as interim |
|  |  |  |  |  |  | guidance for the order's |
|  |  |  |  |  |  | implementation. |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  |  |  |  |
| Sierra Club v. | D.D.C. | Intl/Natl | DOE | Administrative Procedure Act | Appliance, | Action to compel issuance |
| Perry |  | Environmental |  | (APA), Energy Independence | Industrial, | of energy efficiency |
|  |  | Group |  | & Security Act (EISA) | and | standards for manufactured |
|  |  |  |  |  | Building | housing. |
|  |  |  |  |  | Standards |  |

| **Defending Obama Administration Climate Policies & Decisions (2018)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  |  |  |  |
| California v. EPA | D.C. Cir. | Local/Regional | . EPA | Clean Air Act (CAA) | Vehicle | Challenges to EPA |
|  |  | Gov Entity |  |  | Emissions & | determination to withdraw |
|  |  |  |  |  | Fuels | its Mid-Term Evaluation of |
|  |  |  |  |  |  | Greenhouse Gas Emissions |
|  |  |  |  |  |  | Standards for Model Year |
|  |  |  |  |  |  | 2022-2025 Light-Duty |
|  |  |  |  |  |  | Vehicles because the |
|  |  |  |  |  |  | standards appeared to be |
|  |  |  |  |  |  | too stringent. |
| California v. U.S. | N.D. Cal. | Local/Regional | BLM, DOI | APA, FLPMA, MLA, NEPA , | Fossil Fuel | Challenge to BLM's repeal |
| Bureau of Land |  | Gov Entity, |  | Indian Mineral Leasing Act | Extraction, | of 2015 regulations |
| Management |  | Intl/Natl Envtl |  | (IMLA) | Processing, | governing hydraulic |
|  |  | NGO, |  |  | & Transport | fracturing on federal and |
|  |  | Local/Regional |  |  |  | tribal lands. |
|  |  | NGO |  |  |  |  |
| California v. Zinke | N.D. Cal. | Intl/Natl Envtl | BLM, DOI | APA, NEPA, MLA, FLPMA | Fossil Fuel | Challenge to BLM's repeal |
|  |  | NGO, |  |  | Extraction, | of key provisions of the |
|  |  | Local/Regional |  |  | Processing, | 2016 Waste Prevention Rule |
|  |  | Gov Entity |  |  | & Transport | for ***oil*** and gas development |
|  |  |  |  |  |  | on public and tribal lands. |
| Environmental | D.C. Cir. | Intl/Natl Envtl | EPA | Clean Air Act (CAA) | Vehicle | Challenge to EPA "no |
| Defense Fund v. |  | NGO, |  |  | Emissions & | action assurance" |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal Law(s)** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  |  |  |  |
| EPA |  | Local/Regional |  |  | Fuels | memorandum that |
|  |  | Gov Entity |  |  |  | provided assurance that |
|  |  |  |  |  |  | EPA would not enforce |
|  |  |  |  |  |  | greenhouse gas emission |
|  |  |  |  |  |  | and fuel efficiency |
|  |  |  |  |  |  | standards against small |
|  |  |  |  |  |  | manufacturers of glider kits |
|  |  |  |  |  |  | and vehicles. |
| Natural Resources | D.C. Cir. | Intl/Natl Envtl | EPA | Clean Air Act (CAA) | Appliance, | Challenge to EPA's decision |
| Defense Council |  | NGO, |  |  | Industrial, | to suspend the 2015 final |
| v. Wheeler |  | Local/Regional |  |  | and | rule prohibiting or |
|  |  | Gov Entity |  |  | Building | restricting certain uses of |
|  |  |  |  |  | Standards | HFCs under Clean Air Act's |
|  |  |  |  |  |  | safe alternatives policy. |
| Rosebud Sioux | D. Mont. | Local/Regional | State Dept. | APA, NEPA, National Historic | Fossil Fuel | Challenge to presidential |
| Tribe v. U.S. |  | Gov Entity |  | Preservation Act | Extraction, | permit for Keystone XL |
| Department of |  | (Tribes) |  |  | Processing, | pipeline. |
| State |  |  |  |  | & Transport |  |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2017)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| California v. | D.D.C. | State | EPA | Freedom of | Government | Freedom of Information Act |
| EPA |  | Government |  | Information Act | Records or | lawsuit to compel disclosure of |
|  |  | Entity |  | (FOIA) | Communications | records concerning EPA's |
|  |  |  |  |  | Request | process to ensure that |
|  |  |  |  |  |  | Administrator Scott Pruitt was in |
|  |  |  |  |  |  | compliance with federal ethics |
|  |  |  |  |  |  | regulations and obligations with |
|  |  |  |  |  |  | respect to participation in |
|  |  |  |  |  |  | rulemaking. |
| Center for | D.D.C. | Intl/Natl | NOAA, DOC | Freedom of | Government | Action to compel disclosure of |
| Biological |  | Environmental |  | Information Act | Records or | records regarding the |
| Diversity v. |  | NGO |  | (FOIA) | Communications | termination of the Advisory |
| National |  |  |  |  | Request | Committee for the Sustained |
| Oceanic and |  |  |  |  |  | National Climate Assessment. |
| Atmospheric |  |  |  |  |  |  |
| Administration |  |  |  |  |  |  |
| Center for | D.D.C. | Intl/Natl | BLM | Administrative | Government | Action seeking to compel BLM to |
| Biological |  | Environmental |  | Procedure Act | Records or | respond to Freedom of |
| Diversity v. U.S. |  | NGO |  | (APA), Freedom | Communications | Information Act request for |
| Bureau of Land |  |  |  | of Information | Request | documents related to the federal |
| Management |  |  |  | Act (FOIA) |  | coal program. |
| Center for | D.D.C. | Intl/Natl | DOI, EPA, | Administrative | Government | Freedom of Information Act |
| Biological |  | Environmental | DOE, State | Procedure Act | Records or | lawsuit to compel disclosure of |
| Diversity v. U.S. |  | NGO | Dept. | (APA), Freedom | Communications | directives and communications |
| Department of |  |  |  | of Information | Request | regarding removal of climate |
| Interior |  |  |  | Act (FOIA) |  | change-related words from |
|  |  |  |  |  |  | formal agency communications. |
| Center for | Okla. Sup. | Other NGO | Pruitt/Hunter | Oklahoma Open | Government | Action to compel response by |
| Media & | Ct. |  | (Attorney | Records Act | Records or | Oklahoma attorney general to |
| Democracy v. |  |  | General of |  | Communications | Open Records Act request for |
| Hunter |  |  | OK) |  | Request | documents regarding industry |
|  |  |  |  |  |  | ties of attorney general Scott |
|  |  |  |  |  |  | Pruitt. |
| Natural | S.D.N.Y. | Intl/Natl | EPA, FDA, | Freedom of | Government | Action to compel production of |
| Resources |  | Environmental | NOAA, OMB, | Information Act | Records or | communications between certain |
| Defense Council |  | NGO | DOI, BLM, | (FOIA) | Communications | federal agencies and Trump |
| v. U.S. |  |  | Bureau of |  | Request | transition team. |
| Environmental |  |  | Reclamation, |  |  |  |
| Protection |  |  | USFWS, Office |  |  |  |
| Agency |  |  | of Surface |  |  |  |
|  |  |  | Mining, |  |  |  |
|  |  |  | Reclamation, |  |  |  |
|  |  |  | & |  |  |  |
|  |  |  | Enforcement, |  |  |  |
|  |  |  | USFS, DOJ |  |  |  |
| Project | D.D.C. | Other Intl/Natl | DOE | Freedom of | Government | Action to compel response to |
| Democracy |  | NGO |  | Information Act | Records or | Freedom of Information Act |
| Project, Inc. v. |  |  |  | (FOIA) | Communications | request to the U.S. Department |
| U.S. Department |  |  |  |  | Request | of Energy seeking Trump |
| of Energy |  |  |  |  |  | transition team questionnaires |
|  |  |  |  |  |  | regarding climate change. |
| Public | D.D.C. | Intl/Natl | EPA | Freedom of | Government | Action to compel a response by |
| Employees for |  | Environmental |  | Information Act | Records or | EPA to a Freedom of |
| Environmental |  | NGO |  | (FOIA) | Communications | Information Act request |
| Responsibility v. |  |  |  |  | Request | regarding remarks about climate |
| EPA |  |  |  |  |  | change made by EPA |
|  |  |  |  |  |  | Administrator Scott Pruitt in a |
|  |  |  |  |  |  | televised interview. |
| Sierra Club v. | D.D.C. | Local/Regional | EPA | Administrative | Government | Action to compel EPA to disclose |
| EPA |  |  |  | Procedure Act | Records or | senior officials' external |
|  |  |  |  | (APA), Freedom | Communications | communications. |
|  |  |  |  | of Information | Request |  |
|  |  |  |  | Act (FOIA) |  |  |
| Sierra Club v. | N.D. Cal. | Intl/Natl | DOE | Freedom of | Government | Freedom of Information Act |
| U.S. Department |  | Environmental |  | Information Act | Records or | action to compel disclosure of |
| of Energy |  | Group |  | (FOIA) | Communications | documents related to the U.S. |
|  |  |  |  |  | Request | Department of Energy's study of |
|  |  |  |  |  |  | U.S. electricity markets and the |
|  |  |  |  |  |  | reliability of the electrical grid |
| WildEarth | D.D.C. | Intl/Natl | DOI | Freedom of | Government | Freedom of Information Act |
| Guardians v. |  | Environmental |  | Information Act | Records or | lawsuit against Department of |
| U.S. Department |  | Group |  | (FOIA) | Communications | the Interior to compel |
| of the Interior |  |  |  |  | Request | production of records related to |
| Office of the |  |  |  |  |  | Secretarial Order on onshore |
| Secretary |  |  |  |  |  |  |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2018)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Center for | D.D.C. | Intl/Natl Envtl | State Dept. | APA, FOIA | Government | Freedom of Information Act |
| Biological |  | NGO |  |  | Records or | lawsuit seeking Department of |
| Diversity v. U.S. |  |  |  |  | Communications | State records regarding U.S. |
| Department of |  |  |  |  | Request | Climate Action Report. |
| State |  |  |  |  |  |  |
| Center for | D.D.C. | Intl/Natl Envtl | State Dept., | APA, FOIA | Government | Freedom of Information Act |
| Biological |  | NGO | FAA, EPA |  | Records or | lawsuit seeking to compel |
| Diversity v. U.S. |  |  |  |  | Communications | disclosure of records regarding |
| Department of |  |  |  |  | Request | aircraft emissions standards and |
| State |  |  |  |  |  | U.S. participation in the 2016 |
|  |  |  |  |  |  | International Civil Aviation |
|  |  |  |  |  |  | Organization (ICAO) carbon |
|  |  |  |  |  |  | dioxide rulemaking process. |
| Columbia | D. Or. | Local/Regional | DOE | APA, FOIA | Government | Freedom of Information Act |
| Riverkeeper v. |  | Envtl NGO |  |  | Records or | lawsuit seeking disclosure of |
| U.S. Department |  |  |  |  | Communications | documents related to proposed |
| of Energy |  |  |  |  | Request | methanol refinery. |
| Defenders of | D.D.C. | Intl/Natl Envtl | USFWS, DOI, | FOIA | Government | Freedom of Information Act |
| Wildlife v. U.S. |  | NGO | BLM |  | Records or | lawsuit seeking documents |
| Department of |  |  |  |  | Communications | about plans for fossil fuel |
| the Interior |  |  |  |  | Request | development on the Coastal |
|  |  |  |  |  |  | Plain of the Arctic National |
|  |  |  |  |  |  | Wildlife Refuge. |
| Ecological | N.D. Cal. | Intl/Natl Envtl | EPA | FOIA | Government | Freedom of Information Act |
| Rights |  | NGO |  |  | Records or | lawsuit seeking EPA disclosure |
| Foundation v. |  |  |  |  | Communications | of directives to EPA employees |
| EPA |  |  |  |  | Request | since beginning of Trump |
|  |  |  |  |  |  | administration concerning public |
|  |  |  |  |  |  | communications about EPA |
|  |  |  |  |  |  | work and review of EPA work |
|  |  |  |  |  |  | by political appointees. |
| Environmental | D.D.C. | Intl/Natl Envtl | DOI, BLM | FOIA | Government | Freedom of Information Act |
| Defense Fund v. |  | NGO |  |  | Records or | lawsuit seeking disclosure of |
| Department of |  |  |  |  | Communications | documents related to efforts to |
| the Interior |  |  |  |  | Request (Fossil fuel | roll back Bureau of Land |
|  |  |  |  |  | extraction & | Management's Waste Prevention |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2018)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  |  | transportation) | Rule. |
| Environmental | D.D.C. | Intl/Natl Envtl | DOT | FOIA | Government | Freedom of Information Act |
| Defense Fund v. |  | NGO |  |  | Records or | lawsuit seeking U.S. Department |
| U.S. Department |  |  |  |  | Communications | of Transportation officials' |
| of |  |  |  |  | Request | calendars and correspondence |
| Transportation |  |  |  |  | (Transportation) | related to proposed and |
|  |  |  |  |  |  | anticipated actions to roll back |
|  |  |  |  |  |  | greenhouse gas and fuel |
|  |  |  |  |  |  | efficiency standards for vehicles. |
| Natural | S.D.N.Y. | Intl/Natl Envtl | EPA | FOIA | Government | Freedom of Information Act |
| Resources |  | NGO |  |  | Record or | lawsuit seeking records related |
| Defense Council |  |  |  |  | Communications | to the U.S. Environmental |
| v. EPA |  |  |  |  | request (Vehicle | Protection Agency's model for |
|  |  |  |  |  | Emissions) | assessing the cost and |
|  |  |  |  |  |  | effectiveness of greenhouse gas |
|  |  |  |  |  |  | emission standards. |
| Public | D.D.C. | Intl/Natl NGO | EPA | FOIA | Government | Freedom of Information Act |
| Employees for |  |  |  |  | Records or | lawsuit seeking to compel EPA |
| Environmental |  |  |  |  | Communications | to disclose records regarding |
| Responsibility v. |  |  |  |  | Request (climate | policies put in place and other |
| EPA |  |  |  |  | science or scientist | measures taken after EPA |
|  |  |  |  |  | participation) | cancelled scientists' and |
|  |  |  |  |  |  | consultant's participation in |
|  |  |  |  |  |  | Rhode Island climate change |
|  |  |  |  |  |  | conference. |
| Sierra Club v. | N.D. Cal. | Intl/Natl Envtl | EPA | FOIA | Government | Freedom of Information Act |
| EPA |  | NGO |  |  | Records or | lawsuit seeking to compel |
|  |  |  |  |  | Communications | disclosure of communications |
|  |  |  |  |  | Request (Paris | between EPA employees hired at |
|  |  |  |  |  | Agreement/anti | the beginning of the Trump |
|  |  |  |  |  | climate lobbying) | administration and the EPA |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2018)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  |  |  | Administrator or external |
|  |  |  |  |  |  | parties. |
| Sierra Club v. | N.D. Cal. | Intl/Natl Envtl | EPA | FOIA | Government | Freedom of Information lawsuit |
| EPA |  | NGO |  |  | Records or | seeking external |
|  |  |  |  |  | Communications | communications and meeting |
|  |  |  |  |  | Request (unethical | records for EPA staff that Sierra |
|  |  |  |  |  | fossil fuel | Club alleged had "troubling ties |
|  |  |  |  |  | influence) | to polluting industries." |
| Sierra Club v. | D.D.C. | Intl/Natl Envtl | DOE | FOIA | Government | Freedom of Information Act |
| U.S. Department |  | NGO |  |  | Records or | lawsuit seeking correspondence |
| of Energy |  |  |  |  | Communications | and other documents related to |
|  |  |  |  |  | Request (power | the U.S. Department of Energy's |
|  |  |  |  |  | plants) | alleged efforts to bail out the coal |
|  |  |  |  |  |  | and nuclear industries |
| Sierra Club v. | N.D. Cal. | Intl/Natl Envtl | DOI | FOIA | Government | Freedom of Information Act |
| U.S. Department |  | NGO |  |  | Records or | lawsuit seeking disclosure of |
| of Interior |  |  |  |  | Communications | external communications of |
|  |  |  |  |  | Request | Department of the Interior |
|  |  |  |  |  |  | officials. |
| Southern | W.D. Va. | Local/Regional | EPA | FOIA | Government | Freedom of Information Act |
| Environmental |  | Envtl NGO |  |  | Records or | lawsuit seeking EPA |
| Law Center v. |  |  |  |  | Communications | communications with Heartland |
| EPA |  |  |  |  | Request | Institute regarding potential red |
|  |  |  |  |  |  | team/blue team climate science |
|  |  |  |  |  |  | exercise and other matters. |
| Union of | D.D.C. | Intl/Natl Envtl | DOE, FERC | FOIA | Government | Freedom of Information Act |
| Concerned |  | NGO |  |  | Records or | lawsuit seeking correspondence |
| Scientists v. U.S. |  |  |  |  | Communications | and other records related to |
| Department of |  |  |  |  | Request | potential federal coal and |
| Energy |  |  |  |  |  | nuclear subsidies. |
| Wilderness | D.D.C. | Intl/Natl Envtl | DOI | APA, FOIA | Government | Freedom of Information Act |

| **Demanding Transparency & Scientific Integrity from the Trump Administration (2018)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Society v. U.S. |  | NGO |  |  | Records or | lawsuit seeking documents |
| Department of |  |  |  |  | Communications | related to the Interior |
| Interior |  |  |  |  | Request | Department's implementation of |
|  |  |  |  |  |  | President Trump's executive |
|  |  |  |  |  |  | order on energy independence. |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2017)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Allegheny Defense | D.C. Cir.; | Intl/Natl | FERC | National | Fossil Fuel | Challenge to FERC approval of |
| Project v. Federal | FERC | Environmental |  | Environmental | Extraction & | the Atlantic Sunrise natural gas |
| Energy Regulatory |  | NGO |  | Policy Act | Transport | pipeline expansion project in |
| Commission; In re |  |  |  | (NEPA), Natural |  | Pennsylvania and other locations |
| Transcontinental Gas |  |  |  | Gas Act |  | on East Coast. |
| Pipe Line Company, |  |  |  |  |  |  |
| LLC |  |  |  |  |  |  |
| Appalachian Voices v. | D.C. Cir. | Intl/Natl | FERC | National | Fossil Fuel | Challenge to FERC order |
| Federal Energy |  | Environmental |  | Environmental | Extraction & | approving Mountain Valley |
| Regulatory |  | Group, Local or |  | Policy Act | Transport | Pipeline extending from West |
| Commission |  | Regional Group |  | (NEPA), Natural |  | Virginia to Virginia. |
|  |  |  |  | Gas Act (NGA), |  |  |
|  |  |  |  | National Historic |  |  |
|  |  |  |  | Preservation Act |  |  |
|  |  |  |  | (NHPA) |  |  |
| Bair v. California | N.D. Cal. | Intl/Natl Envtl | Local/State | APA, NEPA, Wild | Impacts on | Challenge to highway widening |
| Department of |  | NGO, | Gov Entity | and Scenic Rivers | Land, | project in state park in California. |
| Transportation |  | Local/Regional |  | Act, Declaratory | Water, & |  |
|  |  | NGO, Individuals |  | Judgment Act | Wildlife |  |
| Bay.org d/b/a The Bay | N.D. Cal. | Intl/Natl | DOI & FWS | Administrative | Impacts on | Challenge to biological opinion |
| Institute v. Zinke |  | Environmental |  | Procedure Act | Land, | issued for water diversion project |
|  |  | NGO, Local or |  | (APA), | Water, & | in California. |
|  |  | Regional Group |  | Endangered | Wildlife |  |
|  |  |  |  | Species Act (ESA) |  |  |
| California Cattlemen's | D.D.C. | Trade | DOI, USFWS | APA, ESA, | Impacts on | Challenge to designation of |
| Association v. U.S. |  | Associations |  | Regulatory | Land, | critical habitat in California for |
| Fish & Wildlife |  |  |  | Flexibility Act | Water, & | three amphibian species. |
| Service |  |  |  |  | Wildlife |  |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2017)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Center for Biological | N.D. Cal. | Intl/Natl | EPA | Clean Air Act | Power | Action to compel EPA to respond |
| Diversity v. EPA |  | Environmental |  | (CAA) | Plants, | to petition seeking objection to |
|  |  | NGO, Local or |  |  | Renewables, | Title V permit for natural gas |
|  |  | Regional Group |  |  | and Energy | plant in California. |
|  |  |  |  |  | Efficiency |  |
| Center for Biological | D. Nev. | Intl/Natl | BLM | Administrative | Fossil Fuel | Challenge to ***oil*** and gas lease sale |
| Diversity v. U.S. |  | Environmental |  | Procedure Act | Extraction & | in Nevada. |
| Bureau of Land |  | NGO |  | (APA), National | Transport |  |
| Management |  |  |  | Environmental |  |  |
|  |  |  |  | Policy Act (NEPA) |  |  |
| Center for Biological | D. Ariz. | Intl/Natl | FWS | Administrative | Impacts on | Challenge to biological opinion |
| Diversity v. U.S. Fish |  | Environmental |  | Procedure Act | Land, | for copper mine in Arizona. |
| & Wildlife Service |  | NGO |  | (APA), | Water, & |  |
|  |  |  |  | Endangered | Wildlife |  |
|  |  |  |  | Species Act (ESA) |  |  |
| Center for Biological | S.D. Ohio | Intl/Natl | USFS, BLM | Administrative | Fossil Fuel | Challenge to authorization of ***oil*** |
| Diversity v. U.S. |  | Environmental |  | Procedure Act | Extraction & | and gas leasing in the Wayne |
| Forest Service |  | NGO, Local or |  | (APA), National | Transport | National Forest. |
|  |  | Regional Group |  | Environmental |  |  |
|  |  |  |  | Policy Act (NEPA) |  |  |
| Center for Food Safety | W.D. | Other NGO | USACE | Administrative | Impacts on | Challenge to U.S. Army Corps of |
| v. U.S. Army Corps of | Wash. |  |  | Procedure Act | Land, | Engineers' renewal of a |
| Engineers |  |  |  | (APA), Clean | Water, & | nationwide permit to cover |
|  |  |  |  | Water Act (CWA), | Wildlife | shellfish aquaculture in |
|  |  |  |  | National |  | Washington State. |
|  |  |  |  | Environmental |  |  |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2017)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  | Policy Act (NEPA) |  |  |
| Citizens for a Healthy | D. Colo. | Intl/Natl Envtl | BLM, DOI, | NEPA | Impacts on | Challenge to federal actions |
| Community v. U.S. |  | NGO, | USDA |  | Land, | authorizing ***oil*** and gas |
| Bureau of Land |  | Local/Regional |  |  | Water, & | development in the Bull |
| Management |  | NGO |  |  | Wildlife | Mountain Unit in the Colorado |
|  |  |  |  |  |  | River basin. |
| Columbia Riverkeeper | W.D. | Regional or Local | EPA | Administrative | Impacts on | Lawsuit alleging that EPA |
| v. Pruitt | Wash. | Group, Industry |  | Procedure Act | Land, | violated the Clean Water Act by |
|  |  | Trade Group |  | (APA), Clean | Water, & | failing to issue a total maximum |
|  |  |  |  | Water Act (CWA) | Wildlife | daily load (TMDL) for |
|  |  |  |  |  |  | temperature pollution in the |
|  |  |  |  |  |  | Columbia and Snake Rivers in |
|  |  |  |  |  |  | Oregon and Washington. |
| Crow Indian Tribe et | D. Mont. | Tribe, Intl/Natl | DOI, FWS | Administrative | Impacts on | Challenge to designation of a |
| al v. United States of |  | Environmental |  | Procedure Act | Land, | Greater Yellowstone Ecosystem |
| America et al |  | NGO, Other |  | (APA), | Water, & | grizzly bear distinct population |
|  |  | Intl/Natl NGO |  | Endangered | Wildlife | segment (DPS) and a related |
|  |  |  |  | Species Act (ESA) |  | determination that the DPS was |
|  |  |  |  |  |  | recovered and did not qualify as |
|  |  |  |  |  |  | endangered or threatened under |
|  |  |  |  |  |  | the Endangered Species Act. |
| Delaware Riverkeeper | 3d. Cir. | Local or Regional | State: PA | Natural Gas Act, | Fossil Fuel | Challenge to Pennsylvania |
| Network v. Secretary |  | Group | Dept. of | Pennsylvania Dam | Extraction & | permits for interstate natural gas |
| of Pennsylvania |  |  | Environmenta | Safety and | Transport | pipeline project. |
| Department of |  |  | l Protection | Encroachment Act |  |  |
| Environmental |  |  |  |  |  |  |
| Protection |  |  |  |  |  |  |
| Delaware Riverkeeper | 3d Cir. | Local or Regional | USACE | Administrative | Fossil Fuel | Challenge to Clean Water Act |
| Network v. U.S. Army |  | Group |  | Procedure Act | Extraction & | permits for natural gas interstate |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2017)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Corps of Engineers |  |  |  | (APA), Clean | Transport | pipeline project. |
|  |  |  |  | Water Act (CWA), |  |  |
|  |  |  |  | National |  |  |
|  |  |  |  | Environmental |  |  |
|  |  |  |  | Policy Act |  |  |
|  |  |  |  | (NEPA), Natural |  |  |
|  |  |  |  | Gas Act |  |  |
| High Country | D. Colo. | Intl/Natl | DOI, BLM, | Administrative | Fossil Fuel | Challenge to federal approvals of |
| Conservation |  | Environmental | USDA, USFS | Procedure Act | Extraction & | underground coal mine |
| Advocates v. U.S. |  | NGO, Local or |  | (APA), National | Transport | expansion. |
| Forest Service |  | Regional Group |  | Environmental |  |  |
|  |  |  |  | Policy Act (NEPA) |  |  |
| In re Atlantic Coast | FERC | Local or Regional | FERC | National | Fossil Fuel | Challenge to approvals for |
| Pipeline, LLC |  | Group |  | Environmental | Extraction & | natural gas pipeline project |
|  |  |  |  | Policy Act | Transport | running through West Virginia, |
|  |  |  |  | (NEPA), the |  | Virginia, and North Carolina. |
|  |  |  |  | Natural Gas Act |  |  |
| In re: Border | 9th Cir. | State Government | U.S., Dept. of | Administrative | Impacts on | Challenge to waivers for |
| Infrastructure |  | Entity | Homeland | Procedure Act | Land, | construction of border wall |
| Environmental |  |  | Security, U.S. | (APA), Coastal | Water, & | projects in California. |
|  |  |  | Customs and | Zone Management | Wildlife |  |
| Litigation |  |  |  |  |  |  |
|  |  |  | Border | Act, National |  |  |
|  |  |  | Protection | Environmental |  |  |
|  |  |  |  | Policy Act (NEPA) |  |  |
| National Wildlife | D.D.C. | Environmental | USACE | Administrative | Impacts on | Challenge to approval of update |
| Federation v. U.S. |  | Groups and Local |  | Procedure Act | Land, | to the Master Water Control |
| Army Corps of |  | or Regional |  | (APA), National | Water, & | Manual for federal dams and |
| Engineers |  | Group |  | Environmental | Wildlife | reservoirs in the Apalachicola- |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2017)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  | Policy Act |  | Chattahoochee-Flint River Basin. |
|  |  |  |  | (NEPA), the Water |  |  |
|  |  |  |  | Resources |  |  |
|  |  |  |  | Development Act, |  |  |
|  |  |  |  | Fish and Wildlife |  |  |
|  |  |  |  | Coordination Act |  |  |
| New York State | FERC; 2d | State Government | FERC | Clean Water Act | Fossil Fuel | Proceeding before FERC to obtain |
| Department of | Cir. | Entity |  | (CWA), National | Extraction & | authorization for natural gas |
| Environmental |  |  |  | Environmental | Transport | pipeline project in New York. |
| Conservation v. |  |  |  | Policy Act |  |  |
| Federal Energy |  |  |  | (NEPA), Natural |  |  |
| Regulatory |  |  |  | Gas Act |  |  |
| Commission |  |  |  |  |  |  |
| Regents of University | N.D. Cal. | State Government | FEMA | Administrative | Impacts on | Challenge to termination of |
| of California v. |  | Entity |  | Procedure Act | Land, | wildfire mitigation grants in Bay |
| Federal Emergency |  |  |  | (APA), National | Water, & | Area in California. |
| Management Agency |  |  |  | Environmental | Wildlife |  |
|  |  |  |  | Policy Act |  |  |
|  |  |  |  | (NEPA), Stafford |  |  |
|  |  |  |  | Disaster Relief and |  |  |
|  |  |  |  | Emergency |  |  |
|  |  |  |  | Assistance Act of |  |  |
|  |  |  |  | 1988 |  |  |
| Rosado v. Pruitt | E.D.N.Y. | State Government | EPA | Administrative | Impacts on | Challenge to EPA's designation of |
|  |  | Entity |  | Procedure Act, | Land, | an ocean dumping site in Long |
|  |  |  |  | Coastal Zone | Water, & | Island Sound. |
|  |  |  |  | Management Act, | Wildlife |  |
|  |  |  |  | Ocean Dumping |  |  |
|  |  |  |  | Act |  |  |
| Save the Colorado v. | D. Colo. | Intl/Natl | BLM, USACE | Administrative | Impacts on | Challenge to approvals for project |
| U.S. Bureau of |  | Environmental |  | Procedure Act | Land, | facilitating diversion of water |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2017)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Reclamation |  | NGO, Local or |  | (APA), Clean | Water, & | from Colorado River. |
|  |  | Regional Group |  | Water Act (CWA), | Wildlife |  |
|  |  |  |  | National |  |  |
|  |  |  |  | Environmental |  |  |
|  |  |  |  | Policy Act (NEPA) |  |  |
| Save the Scenic Santa | D. Ariz. | Intl/Natl | USFS | Administrative | Impacts on | Challenge to approvals for copper |
| Ritas v. U.S. Forest |  | Environmental |  | Procedure Act | Land, | mine in Arizona. |
| Service |  | Group, Local or |  | (APA), Clean | Water, & |  |
|  |  | Regional Group |  | Water Act (CWA), | Wildlife |  |
|  |  |  |  | Federal Lands |  |  |
|  |  |  |  | Policy |  |  |
|  |  |  |  | Management Act |  |  |
|  |  |  |  | (FLPMA), Federal |  |  |
|  |  |  |  | Reserved Water |  |  |
|  |  |  |  | Rights Doctrine, |  |  |
|  |  |  |  | Forest Service |  |  |
|  |  |  |  | Organic Act, Las |  |  |
|  |  |  |  | Cienegas National |  |  |
|  |  |  |  | Conservation Area |  |  |
|  |  |  |  | Act, Mining and |  |  |
|  |  |  |  | Minerals Policy |  |  |
|  |  |  |  | Act of 1970, |  |  |
|  |  |  |  | National |  |  |
|  |  |  |  | Environmental |  |  |
|  |  |  |  | Policy Act |  |  |
|  |  |  |  | (NEPA), Public |  |  |
|  |  |  |  | Trust Doctrine, |  |  |
|  |  |  |  | Stock Raising |  |  |
|  |  |  |  | Homestead Act |  |  |
| Sierra Club v. Federal | D.C. Cir. | Local/Regional | FERC | National | Fossil Fuel | Challenge to natural gas pipeline |
| Energy Regulatory |  |  |  | Environmental | Extraction & | project between Ohio and |

| **Integrating Consideration of Climate Change into Environmental Review & Permitting (2017)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Commission |  |  |  | Policy Act | Transport | Michigan. |
|  |  |  |  | (NEPA), Natural |  |  |
|  |  |  |  | Gas Act |  |  |
| Town of Weymouth | FERC, | Intl/Natl Envtl | FERC | NEPA, NGA, | Fossil fuel | Challenge to FERC's approval |
| v. Federal Energy | D.C. Cir. | NGO, |  | CZMA | extraction | of the Atlantic Bridge Project, |
| Regulatory |  | Local/Regional |  |  | & transport | which includes natural gas |
| Commission |  | NGO, |  |  |  | pipeline and compression |
|  |  | State/Local Gov |  |  |  | facilities in New York, |
|  |  | Entity |  |  |  | Connecticut, and |
|  |  |  |  |  |  | Massachusetts. |
| WildEarth Guardians | D. Mont. | Intl/Natl | DOI & Office | Administrative | Fossil Fuel | Challenge to mining plan |
| v. Zinke |  | Environmental | of Surface | Procedure Act | Extraction & | modification for Montana coal |
|  |  | Group, Local or | Mining | (APA), National | Transport | mine. |
|  |  | Regional Group | Reclamation & | Environmental |  |  |
|  |  |  | Enforcement | Policy Act (NEPA) |  |  |
| Integrating Consideration of Climate Change into Environmental Review & Permitting (2018) |  |  |  |  |  |  |
| Case | Court | Plaintiff or | Defendant | Principal Federal | Sector | Summary |
|  |  | Petitioner Type |  | Law(s) |  |  |
| Appalachian Voices v. | 4th Cir. | Intl/Natl Envtl | FERC | National | Fossil Fuel | Challenge to Federal Energy |
| Federal Energy |  | NGO, Local Envtl |  | Environmental | Extraction, | Regulatory Commission's |
| Regulatory |  | NGO, Other |  | Policy Act | Processing, & | authorization of the Atlantic |
| Commission |  | Local NGO |  | (NEPA), Natural | Transport | Coast natural gas pipeline. |
|  |  |  |  | Gas Act |  |  |
| Atchafalaya | 5th Cir. | Intl/Natl Envtl | USACE | APA (National | Fossil Fuel | Challenge to U.S. Army Corps of |
| Basinkeeper v. U.S. |  | NGO, Local Envtl |  | Environmental | Extraction, | Engineers permits and |
| Army Corps of |  | NGO; Trade |  | Policy Act | Processing, & | authorizations for crude ***oil*** |
| Engineers |  | Industry Group |  | (NEPA), Clean | Transport | pipeline in Louisiana. |
|  |  |  |  | Water Act (CWA), |  |  |
|  |  |  |  | Rivers and |  |  |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  | Harbors Act, |  |  |
|  |  |  |  | Executive Order |  |  |
|  |  |  |  | 11988 |  |  |
| Birckhead v. Federal | D.C. Cir. | Individuals | FERC | NEPA | Fossil Fuel | Challenge to FERC approval of |
| Energy Regulatory |  |  |  |  | Extraction, | project involving construction |
| Commission |  |  |  |  | Processing, & | and replacement of natural gas |
|  |  |  |  |  | Transport | compression facilities in West |
|  |  |  |  |  |  | Virginia, Kentucky, and |
|  |  |  |  |  |  | Tennessee. |
| Center for Biological | D.D.C. | Intl/Natl Envtl | Dept. of | APA, ESA, | Impacts on | Lawsuit alleging that |
| Diversity v. Ross |  | NGO, Other | Commerce, | MMPA | Land, Water, | authorization and management |
|  |  | NGO | NOAA, NMFS |  | & Wildlife | of lobster fishery violated federal |
|  |  |  |  |  |  | law due to impacts on North |
|  |  |  |  |  |  | American right whales. |
| Center for Biological | N.D. Ala. | Intl/Natl Envtl | TVA | APA, NEPA | Power Plants, | Challenge to Tennessee Valley |
| Diversity v. Tennessee |  | NGO, |  |  | Renewables, | Authority's changes to rate |
| Valley Authority |  | Local/Regional |  |  | and Energy | structure, which plaintiffs |
|  |  | NGO |  |  | Efficiency | alleged would discourage |
|  |  |  |  |  |  | investment in renewable energy |
|  |  |  |  |  |  | and energy efficiency. |
| Center for Biological | D. | Intl/Natl Envtl | USFWS, DOI | APA, ESA | Impacts on | Lawsuit challenging the |
| Diversity v. Zinke | Alaska | NGO |  |  | Land, Water, | determination that the listing of |
|  |  |  |  |  | & Wildlife | the Pacific walrus as endangered |
|  |  |  |  |  |  | or threatened was not warranted. |
| Center for Biological | D.D.C. | Intl/Natl Envtl | USFWS, DOI | APA, ESA | Impacts on | Action to compel determination |
| Diversity v. Zinke |  | NGO |  |  | Land, Water, | on 2013 petition to list the Tinian |
|  |  |  |  |  | & Wildlife | monarch as endangered or |
|  |  |  |  |  |  | threatened. |
| Center for Biological | 9th Cir. | Intl/Natl Envtl | USFWS, | APA, ESA, NEPA, | Fossil Fuel | Challenge to federal actions |
| Diversity v. Zinke |  | NGO | BOEM, DOI | OCSLA | Extraction, | authorizing ***oil*** and gas |
|  |  |  |  |  | Processing, & | development project in the |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
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|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  |  | Transport | Beaufort Sea offshore of Alaska. |
| Dakota Rural Action | D.D.C. | Intl/Natl Envtl | USDA, Farm | APA, NEPA | Animal | Lawsuit challenging the U.S. |
| v. U.S. Department of |  | NGO, | Service |  | Feedlots | Department of Agriculture Farm |
| Agriculture |  | Local/Regional | Agency |  |  | Service Agency (FSA) rule that |
|  |  | NGO |  |  |  | categorically excluded FSA |
|  |  |  |  |  |  | funding of medium-sized |
|  |  |  |  |  |  | concentrated animal feeding |
|  |  |  |  |  |  | operations from NEPA review. |
| Delaware Riverkeeper | D.C. Cir. | Local/Regional | FERC | NEPA, NGA | Fossil Fuel | Challenge to FERC authorization |
| Network v. Federal |  | Envtl NGO |  |  | Extraction, | of PennEast Pipeline project. |
| Energy Regulatory |  |  |  |  | Processing, & |  |
| Commission |  |  |  |  | Transport |  |
| Friends of Animals v. | D. Colo. | Intl/Natl Envtl | DOI,USFWS | ESA | Impacts on | Lawsuit to compel the U.S. Fish |
| U.S. Fish & Wildlife |  | NGO |  |  | Land, Water, | and Wildlife Service to designate |
| Service |  |  |  |  | & Wildlife | critical habitat for the western |
|  |  |  |  |  |  | distinct population segment of |
|  |  |  |  |  |  | the yellow-billed cuckoo. |
| Gulf Restoration | D.D.C. | Intl/Natl Envtl | DOI | APA, NEPA | Fossil Fuel | Action challenging federal |
| Network v. Zinke |  | NGO, |  |  | Extraction, | government's decisions to hold |
|  |  | Local/Regional |  |  | Processing, & | offshore ***oil*** and gas lease sales. |
|  |  | Envtl NGO |  |  | Transport |  |
| Idaho Conservation | D. Idaho | Local/Regional | USFS | APA, NEPA, | Impacts on | Challenge to approval of a |
| League v. U.S. Forest |  | Envtl NGO |  | National Forest | Land, Water, | mining exploration project. |
| Service |  |  |  | Management Act | & Wildlife |  |
|  |  |  |  | (NFMA), Forest |  |  |
|  |  |  |  | Service Organic |  |  |
|  |  |  |  | Act) |  |  |
| In re Appalachian | 4th Cir. | Intl/Natl Envtl | Industry | Natural Gas Act | Fossil Fuel | Petition seeking to stay order of |
| Voices |  | NGO, | (pipeline |  | Extraction, | Federal Energy Regulatory |
|  |  | Local/Regional | company) |  | Processing, & | Commission authorizing the |
|  |  | NGO |  |  | Transport | Atlantic Coast natural gas |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  |  |  | pipeline project. |
| In re PennEast | FERC | Local/Regional | Industry | Constitution (Fifth | Fossil Fuel | Request for rehearing of |
| Pipeline Co. |  | Envtl NGO | (pipeline | Amendment-- | Extraction, | authorization for natural gas |
|  |  |  | company) | Takings), NEPA, | Processing, & | pipeline from Pennsylvania to |
|  |  |  |  | CWA, Natural | Transport | New Jersey and related facilities |
|  |  |  |  | Gas Act, National |  |  |
|  |  |  |  | Historic |  |  |
|  |  |  |  | Preservation Act |  |  |
|  |  |  |  | (NHPA) |  |  |
| Klamath-Siskiyou | E.D. Cal. | Local/Regional | USFS | APA, NEPA, | Impacts on | Lawsuit challenging U.S. Forest |
| Wildlands Center v. |  | Envtl NGO |  | National Forest | Land, Water, | Service plan to reduce wildfire |
| Grantham |  |  |  | Management Act | & Wildlife | risk. |
|  |  |  |  | (NFMA) |  |  |
| Martin County, | D.D.C. | Local/Regional | DOT | NEPA, Internal | Resilient | Challenge to federal allocation |
| Florida v. U.S. |  | Gov Entity, |  | Revenue Code | Infrastructure | for passenger railroad in Florida. |
| Department of |  | Local/Regional |  |  | & |  |
| Transportation |  | NGO |  |  | Development |  |
| Natural Resources | D. | Intl/Natl Envtl | DOI, BLM | APA, NEPA | Fossil Fuel | Challenge to ***oil*** and gas lease |
| Defense Council, Inc. | Alaska | NGO |  |  | Extraction, | sales in National Petroleum |
| v. Zinke |  |  |  |  | Processing, & | Reserve-Alaska. |
|  |  |  |  |  | Transport |  |
| Northern Alaska | D. | Intl/Natl Envtl | DOI, BLM | APA, NEPA | Fossil Fuel | Challenge to decision to lease |
| Environmental Center | Alaska | NGO, |  |  | Extraction, | lands in National Petroleum |
| v. U.S. Department of |  | Local/Regional |  |  | Processing, & | Reserve-Alaska for ***oil*** and gas |
| the Interior |  | Envtl NGO |  |  | Transport | drilling. |
| Norwalk Harbor | D. Conn. | Local/Regional | DOT, FTA, | APA, NEPA | Resilient | Challenge to environmental |
| Keeper v. U.S. |  | NGO, | Local/State |  | Infrastructure | review for railroad bridge |
| Department of |  | Individuals | Gov Entity |  | & | replacement project in Norwalk, |
| Transportation |  |  |  |  | Development | Connecticut, alleging failure to |
|  |  |  |  |  |  | conduct adequate resiliency |
|  |  |  |  |  |  | analysis. |

| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Otsego 2000, Inc. v. | D.C. Cir. | Local/Regional | FERC | APA, NEPA, | Fossil Fuel | Challenge to FERC authorization |
| Federal Energy |  | Envtl NGO, |  | NGA | Extraction, | of natural gas infrastructure |
| Regulatory |  | Individuals |  |  | Processing, & | project in New York. |
| Commission |  |  |  |  | Transport |  |
| Rocky Mountain Wild | D. Colo. | Intl/Natl Envtl | DOI, BLM | APA, NEPA, | Fossil Fuel | Challenge to 121 ***oil*** and gas |
| v. Zinke |  | NGO, |  | FLPMA | Extraction, | leases in and around the Uinta |
|  |  | Local/Regional |  |  | Processing, & | Basin in northwestern Colorado |
|  |  | Envtl NGO |  |  | Transport | and northeastern Utah. |
| Save the Colorado v. | D. Colo. | Intl/Natl Envtl | USACE, DOI, | APA, CWA, ESA, | Impacts on | Challenge to dam project in |
| Semonite |  | NGO, | USFWS | NEPA | Land, Water, | Boulder County in Colorado. |
|  |  | Local/Regional |  |  | & Wildlife |  |
|  |  | Envtl NGO |  |  |  |  |
| Western Watersheds | D. Idaho | Intl/Natl Envtl | DOI, BLM | APA, NEPA, | Impacts on | Challenge to sale of ***oil*** and gas |
| Project v. Zinke |  | NGO, |  | FLPMA | Land, Water, | leases within and affecting |
|  |  | Local/Regional |  |  | & Wildlife | sage-grouse habitat and to related |
|  |  | Envtl NGO |  |  |  | Bureau of Land Management |
|  |  |  |  |  |  | guidance. |
| WildEarth Guardians | D. Mont. | Intl/Natl Envtl | DOI, | NEPA | Fossil Fuel | Challenge to environmental |
| v. U.S. Bureau of Land |  | NGO, | Local/State |  | Extraction, | reviews conducted for ***oil*** and |
| Management |  | Local/Regional | Gov Entity |  | Processing, & | gas lease sales on public lands in |
|  |  | Envtl NGO |  |  | Transport | Montana. |
|  |  | individuals) |  |  |  |  |
| WildEarth Guardians | D. Ariz. | Intl/Natl Envtl | DOI, USFWS | APA, ESA | Impacts on | Challenge to recovery plan for |
| v. Zinke |  | NGO, |  |  | Land, Water, | Mexican wolves. |
|  |  | Local/Regional |  |  | & Wildlife |  |
|  |  | Envtl NGO |  |  |  |  |
| Wilderness Workshop | D. Colo. | Intl/Natl Envtl | DOI, BLM | APA, NEPA | Fossil Fuel | Challenge to federal approval of |
| v. U.S. Bureau of Land |  | NGO |  |  | Extraction, | 53 ***oil*** and gas lease parcels on |
| Management |  |  |  |  | Processing, & | public lands in the Upper |
|  |  |  |  |  | Transport | Colorado River Basin in western |
|  |  |  |  |  |  | Colorado. |

| **Advancing and Enforcing Climate Protections (2017)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Adorers of the Blood | E.D. Pa.; | Religious Order | FERC | Natural Gas, | Fossil Fuel | Action brought by religious |
| of Christ v. Federal | Third |  |  | Religious Freedom | Extraction & | order of Roman Catholic |
| Energy Regulatory | Circuit |  |  | Reformation Act | Transport | women that owned property |
| Commission |  |  |  |  |  | in Pennsylvania to challenge |
|  |  |  |  |  |  | FERC's authorization of |
|  |  |  |  |  |  | natural gas pipeline that |
|  |  |  |  |  |  | would pass through the |
|  |  |  |  |  |  | property. |
| City of Oakland v. | Cal. | Municipality | Industry (Fossil | Tort Law (Public | Fossil Fuel Co. | Public nuisance actions |
| BP p.l.c. | Super. |  | Fuel | Nuisance) | Liability | brought separately by City |
|  | Ct., N.D. |  | Companies) |  |  | of Oakland and City of San |
|  | Cal., 9th |  |  |  |  | Francisco against fossil fuel |
|  | Cir. |  |  |  |  | companies. |
| Clean Air Council v. | E.D. Pa. | Intl/Natl | U.S., DOE, EPA, | Constitutional (5th | Government | Lawsuit against United |
| United States |  | Environmental | Trump | Amendment), Public | Violation of | States and other federal |
|  |  | NGO, Citizens |  | Trust Doctrine | Constitutional | defendants asserting |
|  |  |  |  |  | Rights | constitutional claims to block |
|  |  |  |  |  |  | deregulatory actions by |
|  |  |  |  |  |  | Trump administration. |
| Colorado River | D. Colo. | Local or | State of CO | Other Statutory | Impacts on | Action seeking judicial |
| Ecosystem v. State of |  | Regional Group |  |  | Land, Water, & | declaration that Colorado |
| Colorado |  |  |  |  | Wildlife | River ecosystem is a "person" |
|  |  |  |  |  |  | possessing rights. |
| Conservation Law | D.R.I. | Local or | Industry (Fossil | Administrative | Fossil Fuel Co. | Citizen suit alleging that |
| Foundation, Inc. v. |  | Regional Group | Fuel Company) | Procedure Act (APA), | Liability | Shell ***Oil*** violated the Clean |
| Shell ***Oil*** Products |  |  |  | Clean Water Act |  | Water Act by failing to |
| US |  |  |  | (CWA) |  | prepare a bulk storage and |

| **Advancing and Enforcing Climate Protections (2017)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  |  |  | fuel terminal in Providence, |
|  |  |  |  |  |  | Rhode Island, for climate |
|  |  |  |  |  |  | change impacts. |
| County of San | 9th Cir., | Municipality | Industry (Fossil | Tort Law (Public | Fossil Fuel Co. | Actions by California |
| Mateo v. Chevron | N.D. Cal., |  | Fuel | Nuisance, Private | Liability | municipalities seeking |
| Corp. | Cal. |  | Companies) | Nuisance, Strict |  | damages from fossil fuel |
|  | Super. |  |  | Liability for Failure |  | companies for sea level rise. |
|  | Ct., |  |  | to Warn, Strict |  |  |
|  | Bankr. |  |  | Liability for Design |  |  |
|  | E.D. Mo. |  |  | Defect, Negligence, |  |  |
|  |  |  |  | Negligent Failure to |  |  |
|  |  |  |  | Warn, and Trespass) |  |  |
| County of Santa | Cal. | Municipality | Industry (Fossil | Tort Law (Public | Fossil Fuel Co. | Lawsuits filed by City and |
| Cruz v. Chevron | Super. |  | Fuel | Nuisance, Private | Liability | County of Santa Cruz |
| Corp. | Ct., N.D. |  | Companies) | Nuisance, Strict |  | alleging that fossil fuel |
|  | Cal., 9th |  |  | Liability Based on |  | companies caused climate |
|  | Cir. |  |  | Failure to Warn and |  | change-related injuries. |
|  |  |  |  | Design Defect, |  |  |
|  |  |  |  | Negligence, and |  |  |
|  |  |  |  | Trespass) |  |  |
| Holmquist v. United | E.D. | Citizens | U.S. | Constitution (Ninth | Fossil Fuel | Challenge to Interstate |
| States | Wash. |  |  | Amendment, | Extraction & | Commerce Commission |
|  |  |  |  | Interstate Commerce | Transport | Termination Act of 1995 |
|  |  |  |  | Commission |  | preemption of local |
|  |  |  |  | Termination Act of |  | prohibitions on rail |
|  |  |  |  | 1995 |  | transportation of fossil fuels. |
| Humane Society of | D.D.C. | Intl/Natl | EPA | Administrative | Animal Feedlot | Action to compel EPA to |
| United States v. |  | Environmental |  | Procedure Act (APA), | Emissions | respond to 2009 petition |

| **Advancing and Enforcing Climate Protections (2017)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Pruitt |  | NGO, Other |  | Clean Air Act (CAA) |  | requesting that concentrated |
|  |  | Intl/Natl NGO, |  |  |  | animal feeding operations be |
|  |  | Local or |  |  |  | regulated as sources of air |
|  |  | Regional Group |  |  |  | pollution. |
| Lindsay v. | W.D. | Citizen | 120 defendants | Constitutional and | Government | Lawsuit alleging that |
| Republican National | Wis. |  | including | Other Statutory | Violation of | defendants including |
| Committee |  |  | President |  | Constitutional | President Trump, cabinet |
|  |  |  | Trump, Trump |  | Rights | officials, other Republican |
|  |  |  | Administration |  |  | officials, and other |
|  |  |  | Cabinet |  |  | individuals violated |
|  |  |  | Officials, |  |  | plaintiff's rights through |
|  |  |  | Republican |  |  | numerous policy and other |
|  |  |  | National |  |  | actions, including the failure |
|  |  |  | Committee |  |  | to act on global warming. |
| Sierra Club v. | D.D.C. | Intl/Natl | EPA | Clean Air Act (CAA), | Vehicle | Action to compel EPA to |
| Wheeler |  | Environmental |  | Energy Independence | Emissions & | submit reports on the |
|  |  | Group |  | & Security Act (EISA) | Fuels | Renewable Fuel Standard |
|  |  |  |  |  |  | program's environmental |
|  |  |  |  |  |  | and resource impacts and to |
|  |  |  |  |  |  | complete an |
|  |  |  |  |  |  | "anti-backsliding" study. |

| **Advancing and Enforcing Climate Protections (2018)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Animal Legal | D. Or. | Intl/Natl Envtl | United States, | U.S. Constitution | Gov. Violation | Claims against the federal |
| Defense Fund v. |  | NGO, | DOI, Dept. of | (First Amendment, | . of | government alleging |
| United States |  | Individuals | Ag, EPA, Dept. | Fourth Amendment, | Constitutional | violations of a constitutional |
|  |  |  | of Defense | Ninth Amendment, | Rights (Not | right to wilderness and |

| **Advancing and Enforcing Climate Protections (2018)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  | Fifth Amendment-- | Speech) | seeking order requiring the |
|  |  |  |  | Due Process, |  | government to prepare and |
|  |  |  |  | Fourteenth |  | implement a remedial plan |
|  |  |  |  | Amendment--Due |  | to mitigate climate change |
|  |  |  |  | Process) |  | impacts. |
| Barnes v. Edison | C.D. Cal. | Individuals | Industry | Other Federal Statute | Climate | Securities class action |
| International |  |  | (Utility) | (Securities Act of | Misinformation | against utility company in |
|  |  |  |  | 1933/Securities | and | Southern California alleging |
|  |  |  |  | Exchange Act of 1934) | Disclosures | misrepresentations |
|  |  |  |  |  |  | regarding exposure to |
|  |  |  |  |  |  | wildfire risk. |
| Board of County | D. Colo. | Local/Regional | Industry (Fossil | Clean Air Act (CAA); | Fossil Fuel Co. | Action by Colorado local |
| Commissioners of |  | Gov Entity | Fuel | Tort Law (Nuisance, | Liability | governments seeking |
| Boulder County v. |  |  | Companies) | Trespass, |  | damages and other relief |
| Suncor Energy |  |  |  | Conspiracy); State |  | from fossil fuel companies |
| (U.S.A.), Inc. |  |  |  | Law (Unjust |  | for climate change harms. |
|  |  |  |  | Enrichment, Colorado |  |  |
|  |  |  |  | Consumer Protection |  |  |
|  |  |  |  | Act) |  |  |
| California v. EPA | N.D. Cal. | Local/Regional | . EPA | Clean Air Act (CAA) | Landfill | Action to compel EPA to |
|  |  | Gov Entity |  |  | Emissions | implement and enforce |
|  |  |  |  |  |  | emission guidelines for |
|  |  |  |  |  |  | existing municipal solid |
|  |  |  |  |  |  | waste landfills. |
| Center for Biological | D. Or. | Intl/Natl Envt | EPA | APA, CWA | Impacts on | Lawsuit alleging that EPA |
| Diversity v. EPA |  | NGO |  |  | Land, Water, & | violated Clean Water Act by |
|  |  |  |  |  | Wildlife | failing to identify waters off |
|  |  |  |  |  |  | the coast of Oregon as |
|  |  |  |  |  |  | impaired by ocean |
|  |  |  |  |  |  | acidification. |
| City of New York v. | 2d Cir. | Local/Regional | Industry (Fossil | State Law (Public and | Fossil Fuel Co. | Action brought by New |

| **Advancing and Enforcing Climate Protections (2018)** |  |  |  |  |  |  |
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| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  |  |  | **Petitioner Type** |  | **Law(s)** |
| BP p.l.c. |  | Gov Entity | Fuel | Private Nuisance, | Liability | York City against fossil fuel |
|  |  |  | Companies) | Trespass) |  | companies seeking damages |
|  |  |  |  |  |  | for climate change-related |
|  |  |  |  |  |  | injuries. |
| de Mejias v. Malloy | D. Conn. | Local/Regional | Local/State Gov | Constitutional Law | Power Plants, | Challenge to Connecticut's |
|  |  | Envtl NGO, | Entity | (Fourteenth | Renewables, & | transfer of funds collected |
|  |  | Other NGO; |  | Amendment--Equal | Energy | from ratepayers and held by |
|  |  | Individuals |  | Protection, Contracts | Efficiency | utilities for clean energy and |
|  |  |  |  | Clause); State Law |  | energy efficiency purposes |
|  |  |  |  | (Connecticut General |  | to Connecticut's General |
|  |  |  |  | Statutes-Public |  | Fund. |
|  |  |  |  | Service Companies, |  |  |
|  |  |  |  | Connecticut Sales and |  |  |
|  |  |  |  | Use Tax Statute, |  |  |
|  |  |  |  | Promissory Estoppel, |  |  |
|  |  |  |  | Connecticut State |  |  |
|  |  |  |  | Constitution) |  |  |
| King County v. BP | W.D. | Local/Regional | Industry (Fossil | Tort Law (Common | Fossil Fuel Co. | Public nuisance and trespass |
| p.l.c. | Wash. | Gov Entity | Fuel Company) | law: Nuisance, | Liability | action brought by King |
|  |  |  |  | Trespass) |  | County in Washington State |
|  |  |  |  |  |  | against fossil fuel companies |
|  |  |  |  |  |  | seeking funding of climate |
|  |  |  |  |  |  | change adaptation program |
| Mayor & City | D. Md. | Local/Regional | Industry (Fossil | Tort Law (Nuisance, | Fossil Fuel Co. |  |
| Council of Baltimore |  | Gov Entity | Fuel Company) | Negligence, Trespass, | Liability |  |
| v. BP p.l.c. |  |  |  | Strict Liability), |  |  |
|  |  |  |  | Maryland Consumer |  |  |
|  |  |  |  | Protection Act |  |  |
| New York City | S.D.N.Y. | Local/Regional | Industry | Securities Act of | Climate | Lawsuit by New York City |
| Employees' |  | Gov Entity | (Aerospace | 1933/Securities | Misinformation | pension funds to compel |
| Retirement System |  |  | Company) | Exchange Act of 1934 | and | aerospace company to |

| **Advancing and Enforcing Climate Protections (2018)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| v. TransDigm |  |  |  |  | Disclosures | include climate change- |
| Group, Inc. |  |  |  |  |  | related shareholder proposal |
|  |  |  |  |  |  | in its proxy materials. |
| New York v. Pruitt | D.D.C. | Local/Regional | EPA | APA, Clean Air Act | Fossil Fuel | Action to compel EPA to |
|  |  | Gov Entity |  | (CAA) | Extraction, | promulgate emission |
|  |  |  |  |  | Processing, & | guidelines for methane from |
|  |  |  |  |  | Transport | existing sources in the ***oil*** |
|  |  |  |  |  |  | and gas sector. |
| Pacific Coast | N.D. Cal. | Industry Trade | Industry (Fossil | Tort Law (Nuisance, | Fossil Fuel Co. | Action by a commercial |
| Federation of |  | Group | Fuel Company) | Negligence, Strict | Liability | fishing industry trade group |
| Fishermen's |  | (Commercial |  | Liability) |  | to hold fossil fuel companies |
| Associations, Inc. v. |  | Fishing |  |  |  | liable for adverse climate |
| Chevron Corp. |  | Association) |  |  |  | change impacts to the ocean |
|  |  |  |  |  |  | off the coasts of California |
|  |  |  |  |  |  | and Oregonthat resulted in |
|  |  |  |  |  |  | "prolonged closures" of |
|  |  |  |  |  |  | Dungeness crab fisheries. |
| People of the State of | N.Y. Sup. | Local/Regional | Industry (Fossil | Tort Law (Fraud), | Climate | Action alleging fraudulent |
| New York v. Exxon | Ct. | Gov Entity | Fuel Company) | State Claims (New | Misinformation | scheme by Exxon Mobil |
| Mobil Corporation |  |  |  | York Martin Act, New | and | Corporation to deceive |
|  |  |  |  | York Executive Law § | Disclosures | investors about the |
|  |  |  |  | 63(12)) |  | company's management of |
|  |  |  |  |  |  | risks posed by climate |
|  |  |  |  |  |  | change regulation. |
| Rhode Island v. | D.R.I. | Local/Regional | Industry (Fossil | Tort Law (Common | Fossil Fuel Co. | State of Rhode Island |
| Chevron Corp. |  | Gov Entity; | Fuel Company) | Law-Nuisance, | Liability | lawsuit seeking to hold fossil |
|  |  | Intl/Natl Envtl |  | Common Law-- |  | fuel companies liable for |
|  |  | NGO, Tribal |  | Negligence, Common |  | causing climate change |
|  |  | Envtl NGO, |  | law--Trespass, |  | impacts that adversely affect |
|  |  | Regional Envtl |  | Common law-Strict |  | Rhode Island and jeopardize |
|  |  | NGO |  | Liability), State |  | State-owned or -operated |

| **Advancing and Enforcing Climate Protections (2018)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  | Claims (Rhode Island |  | facilities, real property, and |
|  |  |  |  | Constitution, Public |  | other assets. |
|  |  |  |  | Trust Doctrine, Rhode |  |  |
|  |  |  |  | Island State |  |  |
|  |  |  |  | Environmental Rights |  |  |
|  |  |  |  | Act) |  |  |
| Sound Action v. U.S. | W.D. | Local/Regional | USACE | APA, CWA | Impacts on | Lawsuit challenging the U.S. |
| Army Corps of | Wash. | Envtl NGO |  |  | Land, Water, & | Army Corps of Engineers |
| Engineers |  |  |  |  | Wildlife | decision to reject a |
|  |  |  |  |  |  | recommended change to the |
|  |  |  |  |  |  | "high tide line" used by the |
|  |  |  |  |  |  | Seattle District to determine |
|  |  |  |  |  |  | the scope of its Section 404 |
|  |  |  |  |  |  | jurisdiction. |
| WildEarth | D. Mont. | Intl/Natl Envtl | Fed Gov (DOT, | MLA | Fossil Fuel | Lawsuit alleging that the |
| Guardians v. Chao |  | NGO | Pipeline and |  | Extraction, | Department of |
|  |  |  | Hazardous |  | Processing, & | Transportation and Pipeline |
|  |  |  | Materials Safety |  | Transport | and Hazardous Materials |
|  |  |  | Administration) |  |  | Safety Administration |
|  |  |  |  |  |  | unlawfully failed to cause |
|  |  |  |  |  |  | annual examinations of ***oil*** |
|  |  |  |  |  |  | and gas pipelines on public |
|  |  |  |  |  |  | lands. |
| Willmeng v. City of | D. Colo. | Individuals | Local/State Gov | Constitution (First | Speech or | First Amendment lawsuit |
| Thornton |  |  | (Municipal) | Amendment) | Protest Related | brought by two Colorado |
|  |  |  |  |  | to Fossil Fuels | residents against Colorado |
|  |  |  |  |  |  | city and its mayor pro tem |
|  |  |  |  |  |  | for blocking their comments |
|  |  |  |  |  |  | about hydraulic fracturing. |

| **Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2017)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Alliance of | D.C. Cir. | Industry Trade | EPA | Administrative | Vehicle | Challenge to Obama |
| Automobile |  | Group |  | Procedure Act | Emissions & | administration's Final |
| Manufacturers |  |  |  | (APA), Clean Air | Fuels | Determination on the |
| v. EPA |  |  |  | Act (CAA) |  | Appropriateness of the Model |
|  |  |  |  |  |  | Year 2022-2025 Light-Duty |
|  |  |  |  |  |  | Vehicle Greenhouse Gas |
|  |  |  |  |  |  | Emissions Standards Under |
|  |  |  |  |  |  | the Midterm Evaluation |
| American Bird | D.D.C. | Local or Regional | DOI, USFWS, | Administrative | Power Plants, | Challenge by two bird |
| Conservancy v. |  | Group, Other | U.S. Air Force; | Procedure Act | Renewables, & | conservation groups to a wind |
| Disbrow |  | National NGO | State-Level | (APA), Bald and | Energy Efficiency | turbine project sponsored by |
|  |  |  | Entity (Ohio | Golden Eagle |  | the Ohio Air National Guard |
|  |  |  | Air National | Protection Act, |  | at Camp Perry in Ottawa |
|  |  |  | Guard) | Endangered |  | County, Ohio. |
|  |  |  |  | Species Act (ESA), |  |  |
|  |  |  |  | National |  |  |
|  |  |  |  | Environmental |  |  |
|  |  |  |  | Policy Act |  |  |
|  |  |  |  | (NEPA), |  |  |
|  |  |  |  | Migratory Bird |  |  |
|  |  |  |  | Treaty Act |  |  |
| Coffeyville | D.C. Cir. | Industry | EPA | Clean Air Act | Vehicle | Challenge to EPA's final |
| Resources |  | (Refineries and |  | (CAA) | Emissions & | Renewable Fuel Standards for |
| Refining & |  | Energy Companies) |  |  | Fuels | 2017 and Biomass-Based Diesel |
| Marketing, LLC |  |  |  |  |  | Volume for 2018. |
| v. EPA |  |  |  |  |  |  |

| **Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2017)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Constitution | D.D.C., | Industry (Pipeline | NY State Dept. | Clean Water Act | Fossil Fuel | Petition seeking declaratory |
| Pipeline Co. v. | FERC | Company) | of | (CWA), Natural | Extraction & | order that the New York State |
| Federal Energy |  |  | Environmental | Gas Act | Transport | Department of Environmental |
| Regulatory |  |  | Conservation |  |  | Conservation had waived |
| Commission |  |  |  |  |  | jurisdiction over water quality |
|  |  |  |  |  |  | certificate for interstate natural |
|  |  |  |  |  |  | gas pipeline project. |
| Competitive | D.D.C. | Conservative NGO | Dept. of State | Freedom of | Government | Action to compel production |
| Enterprise |  |  |  | Information Act | Records or | of U.S. Department of State |
| Institute v. U.S. |  |  |  | (FOIA) | Communications | officials' correspondence |
| Department of |  |  |  |  |  | regarding climate negotiations. |
| State |  |  |  |  |  |  |
| Competitive | D.D.C. | Conservative NGO | Dept. of State | Freedom of | Government | Freedom of Information Act |
| Enterprise |  |  |  | Information Act | Records or | lawsuit filed against the |
| Institute v. U.S. |  |  |  | (FOIA) | Communications | Department of State seeking |
| Department of |  |  |  |  |  | correspondence of two |
| State |  |  |  |  |  | employees' regarding the Paris |
|  |  |  |  |  |  | Agreement. |
| Electric Power | N.D. Ill. ; | Industry | State: Director | Constitutional: | Power Plants, | Challenge to Illinois law that |
| Supply | 7th Cir. | (Companies), | of the Illinois | (Fifth | Renewables, and | created a Zero Emissions |
| Association v. |  | Industry Trade | Power Agency | Amendment, | Energy Efficiency | Credit program allegedly to |
| Star |  | Group, Citizens, |  | Commerce Clause, |  | support uneconomic nuclear |
|  |  | Municipality |  | Supremacy |  | plants. |
|  |  |  |  | Clause), Illinois |  |  |
|  |  |  |  | Future Energy |  |  |
|  |  |  |  | Jobs Act |  |  |
| Energy & | D.D.C. | Conservative NGO | Dept. of State | Freedom of | Government | Action to compel disclosure of |

| **Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2017)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
| Environment |  |  |  | Information Act | Records or | State Department |
| Legal Institute v. |  |  |  | (FOIA) | Communications | communications regarding |
| United States |  |  |  |  |  | climate change negotiations |
| Department of |  |  |  |  |  | with China |
| State |  |  |  |  |  |  |
| Energy Transfer | D.N.D. | Industry (Pipeline | Environmental | Racketeer | Speech or Protest | Racketeer Influenced and |
| Equity, L.P. v. |  | Developer) | Group and | Influenced and | Related to Fossil | Corrupt Organizations (RICO) |
| Greenpeace |  |  | Citizens | Corrupt | Fuels | action by Dakota Action |
| International |  |  |  | Organizations |  | Pipeline developers against |
|  |  |  |  | (RICO) |  | Greenpeace and other |
|  |  |  |  |  |  | organizations. |
| Ergon-West | 4th Cir. | Industry (Fossil | EPA | CAA, Energy | Vehicle | Challenge to EPA's denial of |
| Virginia, Inc. v. |  | Fuel Company) |  | Policy Act of | Emissions & | a small refinery exemption |
| EPA |  |  |  | 2005 | Renewable | from the Renewable Fuel |
|  |  |  |  |  | Fuels | Standard program. |
| General Land | W.D. Tex | Local or State | USFWS, DOI | ADA, ESA, | Impacts on | Lawsuit challenging |
| Office of State |  | Gov Entity |  | NEPA | Land, Water, & | continued listing of |
| of Texas v. U.S. |  |  |  |  | Wildlife | golden-cheeked warbler as an |
| Fish & Wildlife |  |  |  |  |  | endangered species. |
| Service |  |  |  |  |  |  |
| Marshall County | W. Va. | Industry (Coal | Citizen, | Tort Law | Speech or Protest | Defamation action brought by |
| Coal Co. v. | Cir. Ct., | Companies and | Company | (Defamation) | Related to Fossil | coal companies and coal |
| Oliver | N.D. W. | Coal Executive) |  |  | Fuels | executive for statements made |
|  | Va. |  |  |  |  | on the television show Last |
|  |  |  |  |  |  | Week Tonight with John |
|  |  |  |  |  |  | Oliver. |
| Mexichem Fluor, | D.C. Cir. | Industry(HFC | EPA | Clean Air Act | Appliance, | Challenge to 2016 rule |
| Inc. v. EPA |  | Manufacturer) |  | (CAA) | Industrial, and | expanding the scope of 2015 |

| **Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2017)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Petitioner Type** |  | **Law(s)** |  |  |
|  |  |  |  |  | Building | regulations that classified |
|  |  |  |  |  | Standards | hydrofluorocarbons (HFCs) |
|  |  |  |  |  |  | and HFC blends as |
|  |  |  |  |  |  | unacceptable for certain uses |
|  |  |  |  |  |  | pursuant to the Significant |
|  |  |  |  |  |  | New Alternatives Program |
|  |  |  |  |  |  | (SNAP) under Clean Air Act |
|  |  |  |  |  |  | Section 612. |
| Millennium Bulk | Wash. | Industry (Coal | State Agency: | Clean Water Act | Fossil Fuel | Administrative appeal of |
| Terminals- | PCHB | Developer) | WA Dept. of | (CWA), | Extraction & | denial of application for water |
| Longview, LLC |  |  | Ecology | Constitution | Transport | quality certification for coal |
| v. Washington |  |  |  | (Supremacy |  | terminal in Washington State. |
| State |  |  |  | Clause, Commerce |  |  |
| Department of |  |  |  | Clause, |  |  |
| Ecology |  |  |  | Fourteenth |  |  |
|  |  |  |  | Amendment) |  |  |
| Millennium Bulk | Wash. | Industry (Coal | State Agency: | Clean Water Act | Fossil Fuel | Challenge to denial of water |
| Terminals- | Super. Ct. | Developer) | WA Dept. of | (CWA), | Extraction & | quality certificate for coal |
| Longview, LLC |  |  | Ecology | Constitution | Transport | terminal. |
| v. Washington |  |  |  | (Supremacy, |  |  |
| State |  |  |  | Fourteenth |  |  |
| Department of |  |  |  | Amendment) |  |  |
| Ecology |  |  |  |  |  |  |
| Millennium | N.D.N.Y. | Industry (Pipeline | State Agency: | Constitution | Fossil Fuel | Action seeking declaratory |
| Pipeline Co. v. |  | Company) | NY Dept. of | (Supremacy | Extraction & | judgment that federal law |
| Seggos |  |  | Envtl | Clause), Natural | Transport | preempted state |
|  |  |  | Conservation | Gas Act |  | environmental permitting |
|  |  |  |  |  |  | requirements for gas pipeline |
|  |  |  |  |  |  | project and also seeking to |
|  |  |  |  |  |  | enjoin enforcement of state |
|  |  |  |  |  |  | permitting requirements to |

| **Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2017)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or Petitioner** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Type** |  | **Law(s)** |  |  |
| National | 4th Cir. | Industry Trade | DOE | Energy Policy and | Appliance, | Challenge to energy efficiency |
| Electrical |  | Group |  | Conservation Act | Industrial, and | standards for lamps. |
| Manufacturers |  |  |  | (EPCA), Energy | Building |  |
| Association v. |  |  |  | Independence & | Standards |  |
| United States |  |  |  | Security Act |  |  |
| Department of |  |  |  | (EISA) |  |  |
| Energy |  |  |  |  |  |  |
| National | D.C. Cir. | Industry Trade | EPA | Clean Air Act | Appliance, | Challenge to EPA's updates to |
| Environmental |  | Group |  | (CAA) | Industrial, and | refrigerant management |
| Development |  |  |  |  | Building | requirements. |
| Association's |  |  |  |  | Standards |  |
| Clean Air Project |  |  |  |  |  |  |
| v. EPA |  |  |  |  |  |  |
| Turning Point | E.D. Mich. | Citizens | University | Constitutional (1st | Speech or Protest | Lawsuit brought by students |
| USA (TPUSA) v. |  |  |  | Amendment, 14th | Related to Fossil | against community college |
| Macomb |  |  |  | Amendment) | Fuels | alleging that the college |
| Community |  |  |  |  |  | violated the students' free |
| College |  |  |  |  |  | speech and equal protection |
|  |  |  |  |  |  | rights by barring them from |
|  |  |  |  |  |  | engaging in expressive activity |
|  |  |  |  |  |  | to promote fossil fuels without |
|  |  |  |  |  |  | prior approval. |

| **Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2018)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or Petitioner** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Type** |  | **Law(s)** |  |  |
| Argos Properties | Va. Cir. | Industry (Developer) | Local/State | U.S. Constitution | Resilient | Developer's lawsuit |
| II, LLC v. City |  |  |  | (Fourteenth | Infrastructure & | challenging City of Virginia |

| **Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2018)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or Petitioner** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Type** |  | **Law(s)** |  |  |
| Council for | Ct. |  | Gov Entity | Amendment-- | Development | Beach's denial of application to |
| Virginia Beach |  |  |  | Equal Protection), |  | rezone property for residential |
|  |  |  |  | Virginia Planning, |  | development on the grounds |
|  |  |  |  | Subdivision of |  | that the developer failed to |
|  |  |  |  | Land and Zoning |  | account for sea level rise in its |
|  |  |  |  | Law |  | stormwater analysis. |
| Competitive | D.D.C. | Conservative NGO | State Dept. | FOIA | Government | Freedom of Information Act |
| Enterprise |  |  |  |  | Records or | lawsuit seeking Department of |
| Institute v. U.S. |  |  |  |  | Communications | State records regarding |
| Department of |  |  |  |  | Request | international climate change |
| State |  |  |  |  |  | negotiations |
| In re Exxon | Tex. App. | Industry (Fossil Fuel | Local/State | Constitution (First | Fossil Fuel Co. | Exxon Mobil Corporation |
| Mobil Corp. |  | Company) | Gov Entity | Amendment), | Liability | petition seeking pre-suit |
|  |  |  |  | State Law |  | depositions and documents in |
|  |  |  |  | (Common Law - |  | anticipation of potential claims |
|  |  |  |  | Abuse of Process, |  | of abuse of process, |
|  |  |  |  | Texas |  | conspiracy, infringement of |
|  |  |  |  | Constitution) |  | Exxon's rights in connection |
|  |  |  |  |  |  | with California municipalities' |
|  |  |  |  |  |  | climate change lawsuits. |
| Institute for | D.D.C. | Conservative NGO | Treasury | FOIA | Government | Freedom of Information Act |
| Energy Research |  |  | Dept. |  | Records or | lawsuit seeking to compel the |
| v. U.S. |  |  |  |  | Communications | Department of the Treasure to |
| Department of |  |  |  |  | Request | respond to request for |
| the Treasury |  |  |  |  |  | correspondence regarding |
|  |  |  |  |  |  | climate change financial |
|  |  |  |  |  |  | disclosures. |
| Lighthouse | W.D. | Industry (Company) | Local/State | Constitution | Fossil Fuel | Action against Washington |

| **Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2018)** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or Petitioner** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Type** |  | **Law(s)** |  |  |
| Resources Inc. v. | Wash. |  | Gov Entity | (Commerce | Extraction, | State officials for allegedly |
| Inslee |  |  |  | Clause, | Processing, & | taking unlawful actions to |
|  |  |  |  | Supremacy | Transport | block coal export terminal. |
|  |  |  |  | Clause), Other Stat |  |  |
|  |  |  |  | (Interstate |  |  |
|  |  |  |  | Commerce |  |  |
|  |  |  |  | Commission |  |  |
|  |  |  |  | Termination Act |  |  |
|  |  |  |  | of 1995 (ICCTA), |  |  |
|  |  |  |  | Ports and |  |  |
|  |  |  |  | Waterways Safety |  |  |
|  |  |  |  | Act) |  |  |
| Millennium Bulk | Wash. | Industry (coal export | Local/State | CWA, | Fossil Fuel | Lawsuit challenging |
| Terminals | Super. Ct. | developer) | Gov Entity | Constitutional | Extraction, | Washington Department of |
| Longview, LLC |  |  |  | (Fourteenth | Processing, & | Ecology's denial of water |
| v. Washington |  |  |  | Amendment-- | Transport | quality certification for coal |
| State |  |  |  | Equal Protection, |  | export terminal and alleging |
| Department of |  |  |  | Fourteenth |  | denial was based on improper |
| Ecology |  |  |  | Amendment-- |  | grounds. |
|  |  |  |  | Due Process), |  |  |
|  |  |  |  | State Claims |  |  |
| The Two | Cal. | Individuals | Local/State | Constitution | State GHG | Lawsuit alleging that |
| Hundred v. | Super. Ct. |  | Gov Entity | (Fourteenth | Reduction | provisions of 2017 scoping |
| California Air |  |  |  | Amendment-- | Measures | plan under the Global |
| Resources Board |  |  |  | Equal Protection, |  | Warming Solutions Act are |
|  |  |  |  | Due Process), |  | unlawful, unconstitutional, |
|  |  |  |  | Federal Housing |  | and exacerbate poverty. |
|  |  |  |  | Act; State Claims |  |  |

| **Cases Filed Prior to 2017 and Held in Abeyance in 2017** |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case** | **Court** | **Plaintiff or Petitioner** | **Defendant** | **Principal Federal** | **Sector** | **Summary** |
|  |  | **Type** |  | **Law(s)** |  |  |
| American Petroleum | D.C. Cir. | State Government | EPA | Clean Air Act (CAA) | Fossil Fuel | Challenge to new source |
| Institute v. EPA |  | Entity, Industry Trade |  |  | Extraction | performance standards for |
|  |  | Group or Association |  |  | & Transport | ***oil*** and gas sector. |
| National Waste & | D.C. Cir. | Industry Trade Group, | EPA | Clean Air Act (CAA) | Landfill | Challenge to emission |
| Recycling Association |  | Private Companies |  |  | Emissions | guidelines for municipal |
| v. EPA |  |  |  |  |  | solid waste landfills. |
| North Dakota v. EPA | D.C. Cir. | Industry Trade Group | . EPA | Clean Air Act (CAA) | Power | Challenge to EPA's |
|  |  | or Association, Industry |  |  | Plants, | performance standards for |
|  |  | (Companies), |  |  | Renewables, | greenhouse gas emissions |
|  |  | Conservative NGO, |  |  | and Energy | from new, modified, and |
|  |  | States, Chamber of |  |  | Efficiency | reconstructed power plants. |
|  |  | Commerce, and Others |  |  |  |  |
| Truck Trailer | D.C. Cir. | Industry Trade Group | EPA | Clean Air Act (CAA), | Vehicle | Challenge to greenhouse gas |
| Manufacturers |  |  |  | Energy Independence | Emissions & | emissions and fuel efficiency |
| Association, Inc. v. |  |  |  | & Security Act (EISA) | Fuels | standards for medium- and |
| EPA |  |  |  |  |  | heavy-duty engines and |
|  |  |  |  |  |  | vehicles. |
| West Virginia v. EPA | D.C. Cir. | State Government | . EPA | Administrative | Power | Challenge to EPA's final |
|  |  | Entity, Industry |  | Procedure Act (APA), | Plants, | Clean Power Plan rule. |
|  |  | (companies and |  | Clean Air Act (CAA) | Renewables, |  |
|  |  | utilities), Industry |  |  | and Energy |  |
|  |  | Trade Group, Union, |  |  | Efficiency |  |
|  |  | the U.S. Chamber of |  |  |  |  |
|  |  | Commerce, |  |  |  |  |
|  |  | Conservative NGO |  |  |  |  |

**APPENDIX D: 2017 - 2018 LITIGATION MATTERS NOT INCLUDED IN THE ANALYSIS**

These tables contain cases and other legal matters that were excluded from the dataset because they were either 1) focused on state or local law, 2) irrelevant to deregulation, or 3) not litigation matters before a court. The case summaries are taken from the Sabin-AP U.S. Climate Change Litigation database available at http://climatecasechart.com/us-climate-change-litigation/.

| **Cases Primarily of State or Local Significance (2017)** |  |
| --- | --- |
| **Case** | **Summary** |
| Alliance for the Great Lakes v. Illinois Department of | Challenge to authorization of diversion of water from Lake Michigan by the |
| Natural Resources | Metropolitan Water Reclamation District of Greater Chicago. |
| California Sportfishing Protection Alliance v. California | Challenge under CEQA to the WaterFix diversion project for the San Francisco Bay- |
| Department of Water Resources | Delta estuary. |
|  | Lawsuit Filed Challenging Water Project in San Bernardino. Center for Biological |
|  | Diversity and San Bernardino Valley Audubon Society filed a lawsuit challenging |
|  | the California Environmental Quality Act (CEQA) review for the "Clean Water |
|  | Factory Project" approved by the City of San Bernardino. The petition alleged that |
| Center for Biological Diversity v. City of San Bernardino |  |
|  | the project would divert up to 22 million gallons of treated water per day from the |
| Municipal Water Department |  |
|  | Santa Ana River. The petition asserted numerous failures in the environmental |
|  | review for the project, including a failure to adequately disclose, analyze, and |
|  | mitigate the project's significant and cumulative impacts to air quality and |
|  | greenhouse gas emissions. |
| Citizens for a Responsible Caltrans Decision v. |  |
| California Department of Transportation | Challenge to highway interchange project in San Diego. |
|  | Group Challenged San Diego's Removal of Bridge Project from Planning |
|  | Document. A nonprofit group filed a lawsuit challenging the CEQA review for the |
| Citizens for the Regents Road Bridge, Inc. v. City of San |  |
|  | City of San Diego's removal of a bridge project from a community plan. The group |
| Diego |  |
|  | said that the CEQA review failed to adequately disclose and analyze environmental |
|  | impacts, including significant adverse impacts on greenhouse gas emissions. |
| Cleveland National Forest Foundation v. County of San | Challenge to the Forest Conservation Initiative Amendment to the San Diego |
| Diego | County general plan. |
| Columbia Pacific Building Trades Council v. City of |  |
| Portland | Challenge to Portland zoning amendments restricting fossil fuel terminals. |
|  | Challenge to permits for methanol manufacturing and shipping facility. |
| Columbia Riverkeeper v. Cowlitz County |  |
|  |  |
| Energy & Environmental Legal Institute v. Attorney | Action to compel production of New York attorney general's correspondence with |
| General of New York | Vermont attorney general using private email account. |
|  | Proceeding by Texas county alleging that chemical manufacturer that operated |
| Harris County v. Arkema, Inc. | facility that flooded and where chemicals ignited during Hurricane Harvey violated |
|  | local floodplain regulations and state air and water laws. |
| In re Millennium Bulk Terminals -- Longview, LLC |  |
| Shoreline Permit Applications | Challenge to denial of shoreline permits for proposed coal terminal. |
| Mission Hills Heritage v. City of San Diego | Challenge to the City of San Diego's approval of a community plan update. |
| National Audubon Society v. Humboldt Bay Harbor, | Challenge to environmental review for expansion of shellfish aquaculture area in |
| Recreation & Conservation District | Humboldt Bay. |
| New England Power Generators Association v. | Challenge to Massachusetts regulations establishing emissions limits for electricity |
| Massachusetts Department of Environmental Protection | generating facilities. |
|  | Challenge to inclusion of fossil fuel-fired resources in distributed energy |
| Sierra Club v. California Public Utilities Commission |  |
|  | procurement program. |
|  | Challenge to the Forest Conservation Initiative Amendment to the San Diego |
| Sierra Club v. County of San Diego |  |
|  | County general plan. |
|  | Lawsuit contending that Alaska state Climate and Energy Policy violated youth |
| Sinnok v. Alaska |  |
|  | plaintiffs' rights under the state constitution. |

| **Cases Irrelevant to National Deregulation for Other Reasons (2017)** |  |
| --- | --- |
| **Case** | **Summary** |
|  | Action brought by scientist against journal and another scientist in connection with |
| Jacobson v. National Academy of Sciences |  |
|  | publication of article critiquing plaintiff-scientist's work. |

| **Database Items Not Yet Before a Court (2017)** |  |
| --- | --- |
| **Case** | **Summary** |
| Letter from American Democracy Legal Fund to |  |
| Comptroller General of the United States Requesting | Request for investigation into whether EPA Administrator Scott Pruitt's |
| Pruitt Investigation | communications were misuse of appropriated funds. |
| Petition to List the Giraffe Under the Endangered |  |
| Species Act | Request to list the giraffe under the Endangered Species Act. |
| Petition for Rulemaking Seeking Amendment of | Rulemaking petition to EPA from California Air Resources Board seeking more |
| Locomotive Emission Standards | stringent emission standards for locomotives and locomotive engines. |
| Petition for Reconsideration of Application of the Final |  |
| Rule Entitled "Greenhouse Gas Emissions and Fuel | Petition seeking reconsideration of application of greenhouse gas and fuel efficiency |
| Efficiency Standards for Medium- and Heavy-Duty | standards for medium- and heavy-duty engines and vehicles to "gliders" (i.e., |
| Engines and Vehicles--Phase 2 Final Rule" to Gliders | certain types of rebuilt vehicles). |
| Center for Biological Diversity, Notice of Violations for | Threatened legal action in connection with leaking natural gas pipeline in the Cook |
| Hilcorp's Pipeline Leak in the Cook Inlet, Alaska | Inlet off the Alaskan coast. |
| Clean Air Act Notice of Intent to Sue for Failure to |  |
| Establish Guidelines for Standards of Performance for |  |
| Methane Emissions from Existing ***Oil*** and Gas | Threatened lawsuit against EPA for failing to regulate methane emissions from |
| Operations | existing ***oil*** and gas sources. |
| Notice of Intent to Sue EPA for Failure to Promulgate |  |
| Emission Guidelines for Methane and VOC Emissions | Threatened litigation against EPA for failing to regulate methane and volatile |
| from the ***Oil*** and Gas Sector | organic compound emissions from the ***oil*** and gas sector. |
| Petitions Seeking Reconsideration of EPA's 2009 | Rulemaking petitions seeking to undo 2009 endangerment finding for greenhouse |
| Endangerment Finding for Greenhouse Gases | gases. |
| Sierra Club Complaint to EPA Inspector General |  |
| regarding Violation of Scientific Integrity Policy by | Complaint to EPA inspector general alleging that EPA Administrator Scott Pruitt's |
| Administrator Scott Pruitt | statements violated the agency's Scientific Integrity Policy. |
| Rule 14a-8 No-Action Request from Apple, Inc. | Request for no-action response from SEC regarding shareholder proposal asking |
| Regarding Shareholder Proposal of Sustainvest Asset | Apple to produce a report assessing the climate benefits and feasibility of adopting |
| Management, LLC | requirements that all retail locations implement a policy to keep store doors closed. |
| Rule 14a-8 No-Action Request from Apple, Inc. | Request for no-action response from SEC regarding shareholder proposal asking |
| Regarding Shareholder Proposal of Christine Jantz | Apple to prepare a report evaluating the potential for Apple to achieve net-zero |
|  | emissions of greenhouse gases. |

| **Cases Primarily of State or Local Significance (2018)** |  |
| --- | --- |
| **Case** | **Summary** |
| Aji P. v. State of Washington | Action by young people under 18 years of age claiming that the State of |
|  | Washington and state agencies and officials violated plaintiffs' rights by |
|  | creating and maintaining fossil fuel-based transportation and energy |
|  | systems. |
| California Fueling, LLC v. Best Energy Solutions & Technology Corp. | Lawsuit alleging conspiracy and fraud by defendants who produced |
|  | and marketed an additive to reduce nitrogen oxides emissions |
|  | associated with biodiesel. |
| California Native Plant Society v. County of San Diego | Challenge to San Diego County approvals for residential and |
|  | commercial development project. |
| Center for Biological Diversity v. U.S. Fish & Wildlife Service | Lawsuit seeking to compel designation of critical habitat for western |
|  | yellow-billed cuckoo. |
| Competitive Enterprise Institute v. Regents of the University of | Lawsuit seeking correspondence and other records of UCLA Law |
| California | School professors in connection with alleged work with outside parties |
|  | to develop legal cases against opponents of climate change regulation. |
| Free Market Environmental Law Clinic, PLLC v. Schnare | Lawsuit against founder by limited liability company that pursued |
|  | freedom of information law requests and litigation in connection with |
|  | state attorneys general climate change investigations. |
| Friends of the River v. Delta Stewardship Council | Challenge to amendments to the Delta Plan for long-term management |
|  | of the Sacramento-San Joaquin Delta. |
| Hawai'i Solar Energy Association v. Department of Business, Economic | Challenge to Hawai'i's implementation of a law mandating inclusion of |
| Development and Tourism | solar water heaters in new single-family homes. |
| Leach v. Reagan | Challenge to constitutional amendment initiative that would required |
|  | 50% of all electricity sales to come from renewable energy. |
| United States v. Aux Sable Liquid Products LP | Clean Air Act enforcement action against natural gas processing plant |
|  | in Illinois. |
| Reynolds v. Florida | Action by eight young people asserting that the State of Florida and its |
|  | agencies and officials violated fundamental rights to a stable climate |
|  | system under Florida common law and the Florida constitution. |
| Sierra Club v. City of Fontana | Challenge to City of Fontana's approval of the Southwest Fontana |
|  | Logistics Project, which involves development of two industrial |
|  | warehouse buildings totaling approximately 1.6 million square feet on |
|  | 73.3 acres. |
| Sierra Club v. County of San Diego | Environmental groups' challenge to San Diego County's Climate Action |
|  | Plan. |
| Sierra Club v. Talen Energy Corp. | Citizen suit against owner-operators of power plant in Pennsylvania. |
| Sierra Club v. County of Tulare | Challenge to San Diego County's approval of residential developments, |
|  | allegedly without complying with requirements for enforceable |
|  | measures to mitigate greenhouse gas emissions. |
| Sierra Club v. County of Tulare | Challenge to environmental review for Animal Confinement Facilities |
|  | Plan, Dairy Feedlot and Dairy Climate Action Plan, and related actions |
|  | approved by Tulare County in California to streamline approval |
|  | process for dairies. |
| Smith v. Keurig Green Mountain, Inc. | Class Action Filed in California Court Alleging Misrepresentation of |
|  | Recyclability of Single-Serve Coffee Pods. |

n13 This 373 total number does not include five abeyance cases filed near the beginning of the Trump administration because of the complex nature of categorizing the defendant in those cases. In such cases, the initial named defendant was Obama-led agencies, but over the course of the case, executive branch control switched to the Trump administration. Once that occurred, the agency, despite being the named defendant, acted more like a petitioner in filing the motion for abeyance.

n12 A coalition of Democratic state attorneys general, often allied with cities, brought many of these cases, with Republican state attorneys general frequently joining the other side.

n11 As explained above, the number used to calculate the supporting climate deregulation category percentage is 43/378, which may be represented as 11.38%. The paper rounds this down to 11%, but Figure 1 rounds this up to 12% in order for the sum of all category percentages to equal 100%.

n10 Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations, 84 Fed. Reg. 32520 (July 8, 2019), https://www.federalregister.gov/documents/2019/07/08/2019-13507/repeal-of-the-clean-power-plan-emission-guidelines-for-greenhouse-gas-emissions-from-existing.

n9 Of the 67 cases removed in the final two years for being primarily of state or local significance, at least 21 would likely have been categorized as "con" cases.

n8 In Figure 1 below, this figure is represented as 12%. The number used to calculate the percentage is 43/378, which may be represented as 11.38%. The paper rounds this down to 11%, but Figure 1 rounds this up to 12% in order for the sum of all category percentages to equal 100%.

n7 This is number may be lower than the total cases available in the Sabin-A.P. database because some cases in this analysis were consolidated into one "litigation matter," and cases on the website database may have been added or consolidated after the analysis was conducted.

n6 *Sabin-AP U.S. Climate Change Litigation Database*, http://climatecasechart.com/climate-change-litigation/us-climate-change-litigation/.

n5 DENA P. ADLER, U.S. CLIMATE LITIGATION IN THE AGE OF TRUMP: YEAR TWO (2019), http://columbiaclimatelaw.com/files/2019/06/Adler-2019-06-US-Climate-Change-Litigation-in-Age-of-Trump-Year-2-Report.pdf.

n4 DENA P. ADLER, U.S. CLIMATE LITIGATION IN THE AGE OF TRUMP: YEAR ONE (2018), http://columbiaclimatelaw.com/files/2018/02/Adler-2018-02-U.S.-Climate-Change-Litigation-in-the-Age-of-Trump-Year-One.pdf.

n3 *Id.* at i.

n2 *Id.* at i, 6, 51-52.

n1 JESSICA WENTZ & MICHAEL B. GERRARD, PERSISTENT REGULATIONS: A DETAILED ASSESSMENT OF THE TRUMP ADMINISTRATION'S EFFORTS TO REPEAL FEDERAL CLIMATE PROTECTIONS i (2019), https://climate.law.columbia.edu/sites/default/files/content/docs/Wentz-and-Gerrard-2019-06-Persistent-Regulations.pdf.

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