

Case Brief

Con law, self-imposed checks on judicial power

1/28/15

Identity of Case

Massachusetts v. Environmental Protection Agency, 549 U.S. 497 (2007)

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Summary of Facts/Procedural History

Mass. and other states want to sue the EPA (bush administration) to make them follow their own law for releasing fuel emission regulations yearly for new cars. EPA doesn't want to do that. Appealed on standing up to SCOTUS.

Statement of the Issue

Does the state of Mass. have standing (injury, causation, redressability) to bring a suit against the EPA to make it follow its regulations?

Holding

Yes, it meets all three requirements (Whaaa? Oh yeah, we added some liberals since Lujan).

Reasoning

Injury:

As a sovereign, an injury to the state means an injury to its environment, ecosystem, the land owned by its people, etc.

Global warming. Mass. has already lost a lot of its coast. They are concerned that without the EPA publishing their yearly regulations, emissions will continue to rise and they will be at greater risk.

Meets it for the majority.

Causation: does the failure of EPA to regulate cause Mass.'s injury? According to the majority, yes. Fuel emissions are rising. If EPA would regulate, they could cap that rise. This is really a weak point if you think about it...

Redressability: will ordering the EPA to regulate emissions provide redress? Majority says yes, every bit helps. In reality, EPA is free to set those regulations, so they could set really high levels and allow for more pollution...

Evaluation

This is why I hate the Lujan case. I disagree on principal but the argument about standing is a good one.

The point is, on issues like this, we shouldn't have to wait for the injury to materialize fully. We should recognize that it is a unique issue that is in need of prevention rather than ex post facto repairs, and that the little fixes do matter.