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Faculty assisted EPA case

Supreme Court orders EPA to regulate states' car emissions standards

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Four UA faculty members collaborated with other climate change experts to present an amicus curiae brief on the science of climate change in a Supreme Court case that was decided yesterday.

The group of three scientists and one lawyer included Scott Saleska, an assistant professor of ecology and evolutionary biology, Kirsten H. Engel, a professor of law, Jonathan Overpeck, director of the UA's Institute for the Study of Planet Earth and a professor of geosciences, and Joellen Russell, an assistant professor of geosciences. Saleska was involved in organizing the group that presented the brief Nov. 29.

In the case, Commonwealth of Massachusetts, et al. vs. U.S. Environmental Protection Agency, several states sued the EPA for failure to regulate carbon dioxide emissions from motor vehicles as required by the Clean Air Act.

The court ruled in favor of the plaintiff, Massachusetts, et al.

The amicus curiae brief presented to the court covered scientific evidence that global warming is caused by human activity, which the EPA had indicated was not conclusively proved.

"We wrote a brief that was submitted to the Superior Court as part of the case saying that the Environmental Protection Agency had misrepresented the science in the course of its findings and what to do about it," Saleska said.

The Supreme Court, in a 5-4 decision, ordered the Environmental Protection Agency to re-evaluate its role in regulating greenhouse gas emissions under the Clean Air Act.

"A reduction in domestic emissions would slow the pace of global emissions increases, no matter what happens elsewhere," Justice John Paul Stevens said in the majority opinion. "EPA has offered no reasoned explanation for its refusal to decide whether greenhouse gases cause or contribute to climate change."

The court argued that the EPA does have the authority to regulate greenhouse gas emissions, which it had previously refused to regulate by stating that the evidence that human activity was leading to global warming was inconclusive.

"We wrote the brief just to basically report on the science because in the original filing that the EPA put forth, the original defense ... on why they didn't regulate carbon dioxide was that they said that the science was uncertain," Russell said.

The brief presented evidence that global warming is linked to human activity.

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