

JUL 3, 2022

# Supreme Court Limits EPA's Climate Reach

This is The Weekly Letter for July 3, 2022. [About this newsletter](#)

## Big Story

On Thursday, the Supreme Court ruled against the Environmental Protection Agency (EPA) in a case concerning the agency's ability to regulate greenhouse gas emissions. By limiting the EPA's ability to fight climate change, the ruling jeopardizes the United States' commitment to cut greenhouse gas emissions in half by 2030.

*SCOTUSblog* [reports](#):

"By a [vote of 6-3](#), the court agreed with Republican-led states and coal companies that the U.S. Court of Appeals for the District of Columbia Circuit was wrong when it interpreted the Clean Air Act to give the EPA expansive power over carbon emissions. The decision, written by Chief Justice John Roberts, was handed down on the final opinion day of the 2021-22 term."

"Roberts wrote that the EPA's effort to regulate greenhouse gases by making industry-wide changes violated the 'major-questions' doctrine – the idea that if Congress wants to give an administrative agency the power to make 'decisions of vast economic and political significance,' it must say so clearly."

President Biden has [pledged](#) to cut U.S. greenhouse gas emissions in half from 2005 levels in 2030. However, a *New York Times* [article](#) raises questions about whether that goal remains reachable:

"Some experts say that after the Supreme Court's decision in the case... it will soon be mathematically impossible for Mr. Biden to meet his goals.

'At this point I don't see any way to hit the kind of targets they laid out,' said David G. Victor, an expert in climate policy at the University of California, San Diego.

The consequences could be severe. Scientists say the United States must hit Mr. Biden's target if it is to do its part to limit average global warming to 1.5 degrees Celsius, or 2.7 degrees Fahrenheit, compared with temperatures before the Industrial Revolution. That is the threshold beyond which the likelihood significantly increases of catastrophic impacts such as deadly heat waves, drought, wildfire and storms."

Biden has struggled to push climate legislation through Congress, although there remains a narrow window of opportunity this year:

"Congress in the coming weeks could still pass a scaled-back version of the spending bill that has been stalled on Capitol Hill for months. A version of the bill that passed the House last year includes \$300 billion in clean energy tax incentives for producers and purchasers of clean electricity and electric vehicles.

But its current status is uncertain: Mr. Manchin blocked the larger spending bill that includes the tax credits last December, although he has recently restarted talks with the Senate majority leader, Chuck Schumer, Democrat of New York, about the prospects for a less ambitious version. Under Senate rules, that bill must be passed by Sept. 30. The Senate is in recess through the second week of July, and will break again for the month of August, leaving Democrats limited time to reach agreement on a package that has eluded consensus for the past year."

## Opinion

**Bill McKibben:** The Supreme Court rules in favor of business interests and [against the planet](#). (New Yorker, 6/30)

**Emad Moussa:** The [dubious legacy](#) of Palestinian Authority President Mahmoud Abbas. (The New Arab, 6/30)

**Isabela Dias:** The U.S.'s [cruel border policies](#) are to blame for the deaths of over 50 migrants in Texas. (Mother Jones, 6/29)

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