

## Why Courts Matter:

# THE ENVIRONMENT

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Right now, due to the large number of federal court vacancies and a Senate that continues to obstruct qualified nominees, there are not enough judges to hear important cases. Because federal courts are often the last resort for environmental law cases, judges who sit on these federal courts matter. Current vacancies must be filled with judges who enforce laws that protect the environment. Consider the following cases where the federal courts are the final arbiter on decisions that will affect America's public health, wildlife, and national treasures.

- ✓ **FEDERAL COURTS CAN STOP FRACKING:** The Bureau of Land Management leased 2,700 acres of land in Monterey and Fresno counties in California to oil and gas drillers, who planned to use fracking techniques to extract natural gas and oil, a process that can poison the air and water. In 2011, Monterey County – a major agricultural center – objected to the lease sale because of the risk to the county's water supply and the impact on the price and quality of the locally-grown produce. In April 2013, the U.S. District Court for the Northern District of California stopped the potentially destructive practice by ruling that the Bureau of Land Management broke the law by entering into a lease that would allow fracking.
- ✓ **FEDERAL COURTS CAN KEEP OUR AIR CLEAN:** The Clean Air Act's penalties were meant to create incentives to limit pollution and provide funds to clean up the air. Major industrial sources typically have obligations under the Clean Air Act to pay a fee for their emissions contributing to ozone pollution or smog, which causes many health problems, including asthma attacks and deadly respiratory disease. Earlier this year, the EPA decided to permit the local air board in the Los Angeles region to waive fees for industrial polluters. The 9th U.S. Circuit Court of Appeals is reviewing whether the EPA's environmentally unfriendly decision is legal.
- ✓ **FEDERAL COURTS CAN KEEP OUR WATER CLEAN:** In January 2012, the Obama administration adopted a ban on new uranium mining near the Grand Canyon. Several mining groups challenged this ban in federal court, even though new mining would pollute water for 30 million people and degrade the Grand Canyon habitat. In March 2013, the U.S. District Court for the District of Arizona upheld the ban and the Interior Department's authority to take such protective measures.
- ✓ **FEDERAL COURTS CAN PROTECT OUR WILDLIFE:** The State of Montana received a 50-year permit to log and build roads through 548,500 acres of state forest lands, some of which is the last habitat for federally protected species, including bull trout and grizzly bears. Because this development would harm these animals, in March 2013, conservation groups challenged the permit in the U.S. District Court for the District of Montana. The case is now pending.
- ✓ **WHY THE D.C. CIRCUIT MATTERS:** The D.C. Circuit is often the first court to hear environmental law cases, including cases that challenge nationwide standards adopted under the Clean Air Act, regulations issued under the Resource Conservation and Recovery Act, and national primary drinking water regulations.

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*Legal Progress is the legal policy and communications program at the Center for American Progress.  
A key mission of Legal Progress is to educate the public about the impact of the courts on issues they care most about.*



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