

# Climate Change at the U.S. Supreme Court

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The U.S. Supreme Court has encountered issues related to climate change numerous times, including in these landmark decisions.

## ***Georgia v. Tennessee Copper Co. (1907)***

Although not about climate change, Georgia's suit against two Tennessee copper companies about their released toxic fumes that traveled across state lines was the Court's first major air pollution case. The Court ruled in Georgia's favor, recognizing its right to seek relief from environmental harm caused by out-of-state pollution.

## ***Massachusetts v. EPA (2007)***

In a challenge to the U.S. Environmental Protection Agency's (EPA) denial of a petition to regulate greenhouse gas emissions (GHGs) from new motor vehicles under the Clean Air Act (CAA), the Court found that GHGs fit the Act's expansive definition of a "pollutant." The Court said that EPA must subsequently make a finding as to whether GHGs are reasonably anticipated to endanger public health and welfare.

8  
climate cases filed in the U.S. as of 2000\*



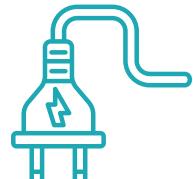
249

climate cases filed in the U.S. as of 2010



## ***American Electric Power v. Connecticut (2011)***

The Court ruled that the CAA displaced the federal common law claims brought by state plaintiffs seeking to stop the interstate GHG emissions from defendant power companies. The decision has resulted in a proliferation of lawsuits against similar defendants that have been filed in state courts and alleging state law claims.



\*Data from the Sabin Center for Climate Change Law's Climate Litigation Database



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## *Utility Air Regulation Group v. EPA (2014)*

The Court rejected EPA's interpretation of the CAA that would have required certain stationary sources to obtain a CAA permit based exclusively on their GHG emissions. The Court did, however, conclude that EPA could require sources to use the "best available control technology" to limit GHG emissions when a source would have to obtain permits anyway for the emission of conventional pollutants.

## MAKING HEADLINES

### *Juliana v. United States*

The Supreme Court repeatedly refused to wade into this first-of-its kind lawsuit, originally filed in 2015, in which youth plaintiffs alleged that the U.S.'s continued support of fossil fuels, and its failure to mitigate climate change, violated their constitutional rights. The Court's 2025 denial of certiorari ended the case, but its decade of litigation spawned a number of similar suits in state courts.

**2,068**

climate cases filed in the U.S. as of 2025

**1,273**

climate cases filed in the U.S. as of 2020

### *West Virginia v. EPA (2022)*

The Court held that EPA lacks authority under the CAA to require fossil fuel-fired power plants to shift to running on sources that emit fewer GHGs because it is a "major question" (i.e., there was not the clear congressional authorization required to regulate an area of "vast economic or political significance") which the Court also deemed outside of EPA's traditional areas of authority.

**SO** Why should judges care 

As more cases involving climate change come to the courts, the Supreme Court's jurisprudence will continue to shape these disputes.



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