



Climate Change Law Resource Document

UN Resolution / International Court of Justice Opinion (2023)

The UN General Assembly has [requested an advisory opinion](#) from the International Court of Justice (ICJ) on the obligations of states with respect to climate change. This is the ICJ's first opportunity to address the question of climate action. While it would not create a legally binding standard, it offers guidance on interpretation of the existing laws and treaties and clarity for governing bodies.

- **Sabin Center for Climate Change Law at Columbia University**, 29 March 2023: [The ICJ's Advisory Opinion on Climate Change: What Happens Now?](#)

[PSB et al. v. Brazil \(2020\)](#)

The Brazil Supreme Court was the first court in the world to recognise the Paris Agreement as a human rights treaty, giving it legal precedent above national law. The Court found that the executive branch has a constitutional duty to allocate funds to the Climate Fund to cut carbon emissions and the courts have the duty to take action regarding climate security. The Brazilian Socialist Party (PSB) and three other Brazilian political parties brought suit because the Climate Fund remained dormant after its inception.

- **The London School of Economics and Political Science**, 25 November 2020: [Public prosecutors, political parties, and NGOs are paving the way for vital climate change litigation in Brazil](#)
- **American Bar Association**, 30 June 2023: [The constitutional right to a clean environment: Human rights violations as an emerging legal foundation and vehicle for a clean environment](#)

Held v. State of Montana (2023)

A group of youth sued their home state of Montana for violating their state's constitutional "[right to a clean and healthful environment](#)" by promoting and supporting the use and extraction of fossil fuels, directly worsening the impacts of climate change. *Held* represents a landmark case as the first youth case to reach trial. Evidence was presented in mid-late June and is currently awaiting the district court judge's final ruling. This case will create precedent for the government's responsibility for contributing to climate change and the constitutional right to a healthy environment.

- **NPR**, 12 June 2023: [In a first, a youth climate lawsuit is being heard in a court in Montana](#)
- **Our Children's Trust**, [Press release](#)
- [Plaintiff's Final Findings of Facts and Conclusions of Law](#)

[Massachusetts v. EPA \(2007\)](#)

Massachusetts and other states filed suit because the EPA was not regulating carbon dioxide emissions. The court determined that the state could sue as it is in a unique position to protect its territory from global warming. Also, the EPA can regulate CO2 as an air pollutant under the "sweeping" and "capacious" language of the statute. Finally, the court found that the EPA must base carbon regulation or inaction on a consideration of "whether greenhouse gas emissions contribute to climate change."

- **Quimbee (video)**, 2015: [Massachusetts v. Environmental Protection Agency Case Brief Summary](#)

[Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc. \(1984\)](#)

The United States Supreme Court created the [Chevron deference](#) where the courts defer to a federal agency's interpretation of an ambiguous statute as long as that interpretation is reasonable. This legal test has been used for the past forty years but not without dissent; recently Congress has been trying to overrule it and the Supreme Court soon will address it again in [Loper Bright Enterprise v. Raimondo](#).

- **E&E News**, 15 June 2023: [House approves bill to end Chevron deference](#)
- **SCOTUS NEWS**, 1 May 2023: [Supreme Court will consider major case on power of federal regulatory agencies](#)
- **Columbia Law Review**: [The Impact of Weakening Chevron Deference on Environmental Deregulation](#)

[West Virginia v. EPA \(2022\)](#)

The Supreme Court decided that the EPA did not have the authority to regulate greenhouse gas emissions because they did not have the necessary explicit or specific grant of authority by Congress to do so, limiting the authority of the EPA and striking down the Clean Power Plan. The Court disagreed with the EPA's argument that they were given implicit authority by the Clean Air Act, passed by Congress, to create the Clean Power Plan.

- **SCOTUS Blog**, 30 June 2022: [Supreme Court curtails EPA's authority to fight climate change](#)
- **New Scientist**, 30 June 2022: [What does the new US Supreme Court ruling mean for carbon emissions?](#)
- **Climate Now Podcast**, 9 August 2022: [Understanding EPA v. West Virginia: How will the Supreme Court's ruling impact GHG regulation?](#)

[Sackett v. EPA \(2023\)](#)

The Supreme Court limited the EPA's authority and the Clean Water Act's scope to cover waters of the U.S. as only "wetlands with a continuous surface water connection to larger streams, lakes and rivers." This erases a long-term precedent that waters of U.S. includes wetlands without a continuous connection. Act's objective to protect these waters.

- **Inside Climate News**, 26 May 2023: [Supreme Court Sharply Limits the EPA's Ability to Protect Wetlands](#)
- **Global Center on Adaptation**, 2 February 2022: [5 Ways Wetlands are Crucial to Climate Change Adaptation](#)
- **International Water Management Institute**, 2 February 2021: [Three ways wetlands can influence climate change](#)

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