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California Land Use & Development Law Report

Ninth Circuit Rules that Plaintiffs Lack Standing to Compel State Agencies to Regulate Greenhouse Gas Emissions

Do environmental groups have standing to sue to force state agencies to regulate greenhouse gas emissions under the Clean Air Act? In a case decided on October 17, the Ninth Circuit said no. [Washington Environmental Council v. Bellon](#), No. 12-35323 (9th Cir. Oct. 17, 2013).

The plaintiffs argued that several governmental agencies in Washington State were required to set regulatory standards for GHG emissions from the state's oil refineries pursuant to Washington's Clean Air Act "State Implementation Plan." But according to the court, the chain of causation between the plaintiffs' alleged injuries and the agencies' refusal to regulate was too attenuated to support a lawsuit. Therefore, the court concluded, the plaintiffs lacked standing under Article III of the United States Constitution.

The court emphasized that to demonstrate standing, the plaintiffs were required to show that their "specific, localized injuries" were fairly traceable to the agencies' failure to set standards. But here, the plaintiffs offered "only vague, conclusory statements" of causation. Further, the localized climate impact resulting from the GHG emissions from the state's oil refineries was "scientifically indiscernible." The court accordingly dismissed the case without reaching the merits of the dispute.

For more on the case, see our [update](#) of October 24.

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