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SUPREME COURT

Greenhouse gas case will pit state against state

The Supreme Court's nine justices will begin hearing oral arguments today over whether the federal government can regulate emissions most experts say contribute to global warming.

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WASHINGTON - The Supreme Court's hottest environmental case of the year pits California against Texas.

It's also Washington state vs. Idaho, scientists vs. car dealers and, it may seem, the world against the White House, as the justices today consider a crucial question in the effort to combat global warming.

The question is this: Can the federal government regulate the so-called greenhouse gases many experts blame for rising global temperatures? The Bush administration says no. California, Massachusetts, Washington, 15 other states and their allies insist otherwise. The final answer is now up to the court's nine justices.

The high stakes in today's hourlong oral arguments will be drawing plenty of courtroom kibitzers. Already, groups from Alaskan tribes to the National Automobile Dealers Association have staked out sides.

The decision could be cast very narrowly next year. Or it could spur officials trying to cut the roughly 500 million tons of carbon dioxide emitted annually by U.S. cars, trucks and other vehicles.

California wants federal approval for setting strict new emissions standards on cars and light trucks. The state's federal waiver request may be bolstered by the court's eventual ruling in the case formally known as Massachusetts v. Environmental Protection Agency. California is also moving ahead unilaterally in controlling stationary sources of greenhouse gases.

Neither side disputes that the Earth is getting hotter. The Earth's average surface temperature is now warming at the rate of about 3.2 degrees Fahrenheit per century, according to the National Oceanic and Atmospheric Administration. The 10 warmest years in the past century have all taken place since 1990.

The politics are tricky. So is some of the science.

The Bush administration stresses in legal briefs the "substantial debate and uncertainties" surrounding cause and effect. Prominent climate scientists including David Battisti and John M. Wallace from the University of Washington reply that all reasonable doubt has evaporated.

In 1999, environmentalists petitioned the EPA to regulate the carbon dioxide emitted from new cars and trucks. Carbon dioxide is one of the gases thought to trap Earth's heat.

The Bush administration refused. After weighing public comments, the EPA concluded the Clean Air Act doesn't give it the authority to regulate greenhouse gases.

The administration further contends that the term "air pollution" doesn't encompass global climate change. By contrast, the Clinton administration's EPA had twice concluded the Clean Air Act empowered federal officials to regulate greenhouse gases -- if they wanted to.

The energy-producing states siding with the Bush administration fear the burdens of gas controls.

The court could punt, by ruling narrowly that states such as Massachusetts and California lack the legal standing to sue. The Bush administration proposes this option as a first line of attack, arguing that the states can't prove they have suffered harm from the EPA's refusal to regulate.

Alternatively, the court could forthrightly answer whether the EPA can regulate greenhouse gases. Even a "yes" answer, though, wouldn't specify what those regulations must look like.