

Role of Courts

- Apply ambiguous laws
- determine penalties for violations of environmental laws and regulations
- rule on constitutionality of federal and state environmental laws
- rule on how regulations have been applied. For example, have correct procedures been followed to allow for public input as legislated by law?
- oversee how well agencies carry out the court's orders.
 - ordering an agency to write a regulation, issue a permit, or
- encourage negotiations and settlement between parties before a judicial ruling is passed
- Sets priorities for EPA

American Justice System Changes

- Relaxed standing provisions
- Receptivity of Courts to environmental demands
 - District Court judge Skelly Wright- Our duty is to see that important legislative purposes heralded in the halls of Congress are not lost or misdirected in the vast hallways of the federal bureaucracy.”
- Establishment of new environmental groups
 - Environmental Defense Fund -“Sue the Bastards”
 - NRDC, Earth Justice, Center for Biological Diversity

Should we be happy about increase role of courts in environmental policy making?



Chief Justice Robert's Dissent

- Apparently dissatisfied with the pace of progress on this issue in the elected branches, petitioners have come to the courts claiming broad-ranging injury, and attempting to tie that injury to the Government's alleged failure to comply with a rather narrow statutory provision. I would reject these challenges as nonjusticiable. Such a conclusion involves no judgment on whether global warming exists, what causes it, or the extent of the problem. Nor does it render petitioners without recourse. **This Court's standing jurisprudence simply recognizes that redress of grievances of the sort at issue here "is the function of Congress and the Chief Executive," not the federal courts.**



Pygmy Owl, also known as Ferruginous or Gnome Owl <http://www.sonoranaudubon.org/Ferruginous%20Pygmy%20Owl.jpg>