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SABIN CENTER FOR CLIMATE CHANGE LAW

**U.S. CLIMATE LITIGATION IN
THE AGE OF TRUMP: FULL TERM**

By Korey Silverman-Roati

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1. INTRODUCTION

From beginning to end, the Trump administration pursued an agenda of climate deregulation. The administration aimed a portfolio of actions at weakening federal climate protections and promoting fossil fuels.¹ The executive branch did so by aiming to revise and rescind all major Obama-era agency rules to regulate greenhouse gas emissions, leasing public lands for fossil fuel development, attempting to curtail climate impact consideration in National Environmental Policy Act and Endangered Species Act reviews, and withdrawing energy efficiency measures, among other climate deregulation actions.² Collectively, this effort served to advance the view that humans are not causing serious climate change and that environmental regulations confer many costs and few benefits.³

Litigants responded and interacted with the administration's climate deregulation agenda by filing hundreds of lawsuits in jurisdictions across the country. This analysis takes stock of **378 lawsuits** during the Trump era where climate change was material to the case and the case implicated issues of federal law and/or federal policy. The vast majority of these suits, **89%**, aimed to strengthen climate protection or weaken climate deregulation efforts. The other **11%** sought to bolster climate deregulation efforts.

This paper builds on two prior reports, U.S. Climate Litigation in the Age of Trump: Year One,⁴ and U.S. Climate Litigation in the Age of Trump: Year Two.⁵ Data for the first two years of

¹ JESSICA WENTZ & MICHAEL B. GERRARD, PERSISTENT REGULATIONS: A DETAILED ASSESSMENT OF THE TRUMP ADMINISTRATION'S EFFORTS TO REPEAL FEDERAL CLIMATE PROTECTIONS i (2019), <https://climate.law.columbia.edu/sites/default/files/content/docs/Wentz-and-Gerrard-2019-06-Persistent-Regulations.pdf>.

² *Id.* at i, 6, 51–52.

³ *Id.* at i.

⁴ DENA P. ADLER, U.S. CLIMATE LITIGATION IN THE AGE OF TRUMP: YEAR ONE (2018), <http://columbiaclimatelaw.com/files/2018/02/Adler-2018-02-U.S.-Climate-Change-Litigation-in-the-Age-of-Trump-Year-One.pdf>.

⁵ DENA P. ADLER, U.S. CLIMATE LITIGATION IN THE AGE OF TRUMP: YEAR TWO (2019), <http://columbiaclimatelaw.com/files/2019/06/Adler-2019-06-US-Climate-Change-Litigation-in-Age-of-Trump-Year-2-Report.pdf>.

the Trump administration were drawn from the Year Two report. This report classifies cases in the final two years of the administration, ending on January 20, 2021, and combines that data with the Year Two report. The previous reports included detailed descriptions of both the substance of Trump administration deregulatory efforts and the substance of the litigation itself – this report takes a narrower aim. The goal of this report is to describe the types of litigation that responded and interacted with the Trump deregulatory agenda, the litigants involved, the sectors at issue, and the laws invoked. That said, this report maintains the methodology and case categories developed and utilized in the prior reports. Further quantitative or qualitative analysis may build on this report to provide additional insights into the field of climate litigation in the Trump era.

This report proceeds as follows. Section 2 includes a discussion of the methodology of case selection and analysis. It also describes the categories used to distinguish the cases. Section 3 includes diagrams drawn from the dataset of both the first two years and the final two years of the Trump term. Diagrams presented include both totals from the full four years and from the final two years. The section gives narrative context and explanations to the diagrams. Section 4 concludes.

2. METHODOLOGY

This paper draws from cases collected in the “U.S. Climate Change Litigation Database” developed and maintained by the Sabin Center for Climate Change Law and the law firm Arnold & Porter.⁶ While a great deal of environmental litigation may implicate climate change, this report limits its focus with two criteria drawn from the database. First, the case must be brought before a judicial body. This excludes most climate disputes fought out in federal agencies or other investigatory bodies. Second, climate change must be a material issue of fact or law in the case. This means that the mere mention of climate change is not enough for the case to be included. Rather, climate change must play a significant role in the dispute. Further, cases that may

⁶ *Sabin-AP U.S. Climate Change Litigation Database*, <http://climatecasechart.com/climate-change-litigation/us-climate-change-litigation/>.

implicate climate change indirectly, but do not discuss climate change in that case, are not included. Examples of these types of excluded cases include those that challenge coal-fired power plants on water pollution grounds. Although injunctions to stop the plants may reduce climate emissions, the cases are not included if climate is not a material issue in the cases.

These limitations serve to clarify the distinct nature and importance of climate litigation. As climate change increases in severity and impacts increase, persuasive arguments for inclusion of more and more cases could be made. Limiting the cases to judicial bodies considering material issues of climate limits the focus to judicial reasoning on climate's effect on the law and law's effect on climate. In this paper, the limitations help focus the analysis on judicial interpretation of climate law during the Trump administration's widespread deregulatory effort.

From the dataset assembled in the U.S. Climate Litigation Database, this paper further limits its analysis to issues relevant to federal policy and federal law. This is an attempt to focus the analysis on issues relevant to the Trump administration's deregulatory efforts, rather than climate disputes over state and local policy. Significant climate action was taken at the state and local level, and analysis of litigation related to state and local climate policy could shine further light on the climate litigation response during the Trump era. But the limitation to federal policy helps focus our analysis on the way litigants and courts responded to Trump-era federal climate policies, and the way policy and law developed at the federal level.

This paper analyzes 378 cases. That number was derived the following way: First, a preliminary review was conducted of all cases in the U.S. Climate Litigation Database filed from 2017 through January 20, 2021. This produced a total of 491 litigation matters.⁷ Second, 104 cases were removed for primarily concerning state or local policies, including state environmental plans, laws, and environmental review. Cases in state courts were only included if they raised federal law issues or if they raised common law claims that parties argued were relevant to federal policy. Third, 12 cases were removed for not rising to the level of a judicial dispute, in that

⁷ This number may be lower than the total cases available in the Sabin-A.P. database because some cases in this analysis were consolidated into one "litigation matter," and cases on the website database may have been added or consolidated after the analysis was conducted.

they involved administrative or pre-litigation proceedings. Fourth, two cases were removed because their climate nexus only arose in the settlement of other legal action. Fifth, five cases were added that were filed before 2017 because they fundamentally changed in response to Trump administration deregulatory activity. In these cases, federal agencies that had previously defended an Obama administration rule sought an abeyance of the litigation matter so that the incoming Trump administration could review the rule. Thus, of the 491 litigation matters initially reviewed, 118 were removed, and five not in the original 491 were added. This resulted in 378 cases analyzed. See Appendix A for a full list of the cases filed in 2019, 2020, and the first 20 days of 2021 that were included in the analysis. See Appendix B for a list of the cases that were removed in those years. See Appendix C for cases included from 2017 and 2018 and Appendix D for cases removed from those years.

Of the 378 cases analyzed, 15 were filed in the first 20 days of 2021, 99 were filed in 2020, 105 were filed in 2019, 73 were filed in 2018, 81 were filed in 2017, and five were filed before 2017. Each case was assigned a primary category in one of five overarching responses to deregulation during the Trump administration. They are:

1. **Defending Obama Administration Climate Policies & Decisions:** In these cases, litigants challenge a revocation, delay, or other rollback of a climate change-related policy or decision. The vast majority concern defense of Obama administration decisions.
2. **Demanding Transparency & Scientific Integrity from the Trump Administration:** These cases undermine climate change deregulation by filing challenges under the Freedom of Information Act (FOIA) and similar state laws to illuminate the Trump administration's activities to reduce climate change protections and/or reveal actions that may be illegal or unethical.
3. **Integrating Consideration of Climate Change into Environmental Review and Permitting:** These cases argue for greater consideration of climate change impacts or the effects of GHG emissions in adjudications over environmental permits, species listing/delisting under the Endangered Species Act, and/or other environmental

review of individual projects. This category also includes integrating consideration of climate change in to agency policies, programs, and plans related to environmental review and permitting, but it does not include challenges to major climate-related rules or decisions of the Obama administration (which are categorized as “Defending Obama Administration Climate Policies and Decisions.”).

4. **Advancing or Enforcing Additional Climate Protections through the Courts:** These cases advance climate change protection through a mechanism other than the three more specific “pro” categories. Many advance theories involving constitutional law, common law, and statutory interpretation or implementation. A few seek to compel regulation or reporting not completed in the Obama era.
5. **Deregulating Climate Change, Undermining Climate Protections, or Targeting Climate Protection Supporters:** This category encompasses any “con” climate litigation matters that, if successful, would support climate change deregulation, reduce climate protections generally or at the project-level, and/or target climate protection supporters through FOIA or other means.

Cases were categorized according to an analysis of the effect of their climate-related claims. In other words, the analysis focused on whether, if successful, the climate claims would serve to defend an Obama-era policy, deregulate climate change, or any of the other effects described above. Although the categories are described in relation to their “response” to Trump policies, the categories are not necessarily new forms of litigation. Cases seeking to integrate climate change into environmental review processes, for instance, pre-date the Trump administration. Nevertheless, integration of climate change into environmental review and permitting took on new urgency in the face of ramped up Trump-era efforts to undermine those processes and expedite development of fossil fuel and other infrastructure. The categories are thus best understood as describing the way the filings both responded to and interacted with Trump administration policies.

The categories may be further simplified into “pro” and “con” cases. The first four categories describe “pro” cases, where if the plaintiffs/petitioners are successful, climate

protection will be strengthened and/or climate deregulation will be weakened. The fifth category includes all “con” cases, where if the plaintiffs/petitioners are successful, they will weaken climate protection or undermine those supporting climate protections. The distinction is based on the intent of the filing party and an analysis what would occur if the suit were successful.

In addition to the five main categories above, the cases are further categorized according to their (1) dominant sector, (2) category of plaintiff(s), (3) defendant(s), (4) highest adjudicatory body, and (5) law(s) at issue. This provides information relevant for understanding the cases, the key actors in climate litigation, and the laws invoked. The dominant sector categorization gives a more granular view of the five broad case categories. Many cases involve multiple litigants or claims, and in these cases all litigant categories and climate-relevant laws were counted. As a result, numbers in the tables below regarding litigants and laws at issue exceed the total number of cases analyzed. Further, an effort was made to ensure that multiple cases were consolidated into a single case if they involve the same substantive issue.

3. PRIMARY FEATURES OF THE CLIMATE CHANGE LITIGATION RESPONSE TO DEREGULATION

3.1 How Do These Cases Respond to Climate Change Deregulation?

Integrating Consideration of Climate Change into Environmental Review and Permitting was the dominant category of cases, making up nearly half (49%) of those analyzed for this paper. The proportion of cases in the review and permitting category increased from the first two years of the Trump administration to the final two years. During the first two years, such cases made up 34%, and during the final two years they made up 60%. This was not a result of fewer overall cases being filed, as climate cases increased in the final two years of the Trump administration, so both the proportion and the raw number of environmental permitting and review cases increased. Rather, the increased proportion of permitting cases suggests a growing effort by plaintiffs to check the Trump administration’s omission of climate change from its permitting decisions and its actions with regard to endangered species.

Accounting for a significant part of the uptick in environmental permitting cases were dozens filed by two environmental NGOs – the Center for Biological Diversity and WildEarth Guardians. These two groups filed 41 such cases from 2017 through January 20, 2021, with the Center for Biological Diversity alone responsible for 30. The cases brought by the groups interacted with Trump administration deregulation in a variety of ways, but two notable focal points were fights against oil and gas leasing and endangered species listing/delisting decisions. These cases relied primarily on theories based in the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). Combined with other groups’ efforts to combat Trump administration efforts to lease federal land for fossil fuel development and to expedite development in endangered species territory, these cases represent a growing movement by environmental groups to inject climate change into such permitting decisions.

The increase in environmental permitting and review cases coincided with a decrease in two types of cases – demanding transparency from the Trump administration and supporting climate deregulation. In the first two years of the administration, climate deregulation cases, or all those categorized as “con” climate protection, accounted for 19% of the cases filed. In the final two years, they accounted for only 6%, resulting in the 11% figure over the full four years.⁸ This decrease in “con” cases may reflect the growing entrenchment of the Trump administration’s policies in federal agencies in its latter two years. As federal policy became increasingly aligned with an ideology of climate deregulation, litigants may have had less incentive to take the administration to court. Rather, climate case filings for “con” climate protection groups may have moved to state court, as a significant number of those cases eliminated from this study for sounding in state law would have been categorized as climate deregulation.⁹ With this decrease, other categories of climate litigation made up larger proportions of the total claims.

⁸ In Figure 1 below, this figure is represented as 12%. The number used to calculate the percentage is 43/378, which may be represented as 11.38%. The paper rounds this down to 11%, but Figure 1 rounds this up to 12% in order for the sum of all category percentages to equal 100%.

⁹ Of the 67 cases removed in the final two years for being primarily of state or local significance, at least 21 would likely have been categorized as “con” cases.

The decrease in demanding transparency and scientific integrity claims by “pro” litigants may be more difficult to explain. In the first two years, transparency claims made up 17% of the whole, whereas in the final two years, they made up 6%. Together over the four years, these cases accounted for 10% of claims. One potential explanation for the decrease is that litigants utilized FOIA claims in the first two years to bolster more substantive claims in the final two years. Another potential explanation is that litigants shifted resources towards substantive claims in response to the administration’s deregulatory efforts in the final two years.

Two categories of cases, defending climate change policies and decisions and advancing or enforcing climate protections, maintained a steady proportion of the total climate cases throughout the four years. At the end of the four years, defense cases made up 13% of the 378 filed, and advancement cases made up 16%. Observers may have expected defense of Obama-era policy cases to decrease in the latter half of the Trump years, but this did not occur. This may reflect a continued steady rate of regulatory rollbacks during the latter two years of the administration and continuing efforts to combat those rollbacks. For instance, the administration finalized one of its most significant rollbacks, the Affordable Clean Energy Rule’s replacement of the Clean Power Plan, in July 2019.¹⁰ The cases filed to combat that rule, consolidated here in *American Lung Association v. EPA*, were thus filed in the latter half of the administration in 2019. For the advancing or enforcing climate protection claims, the steady stream of cases was bolstered in part by continued filings by state and local governments against fossil fuel companies under liability and climate misinformation claims.

¹⁰ Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations, 84 Fed. Reg. 32520 (July 8, 2019), <https://www.federalregister.gov/documents/2019/07/08/2019-13507/repeal-of-the-clean-power-plan-emission-guidelines-for-greenhouse-gas-emissions-from-existing>.

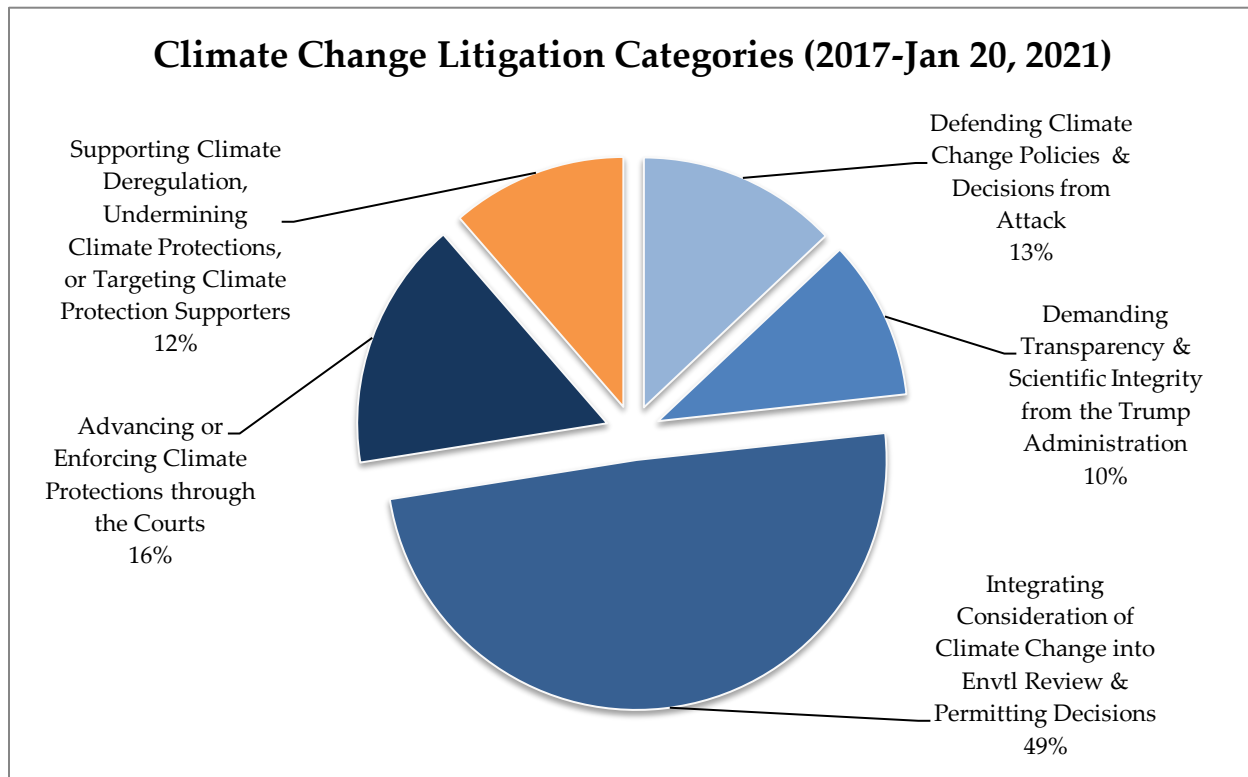


Figure 1: See Appendix A and Appendix C for underlying data. Each of the 378 cases was assigned one primary category. The four “pro” climate protection categories are marked with shades of blue and the one “con” climate protection category is shaded in orange.¹¹

¹¹ As explained above, the number used to calculate the supporting climate deregulation category percentage is 43/378, which may be represented as 11.38%. The paper rounds this down to 11%, but Figure 1 rounds this up to 12% in order for the sum of all category percentages to equal 100%.

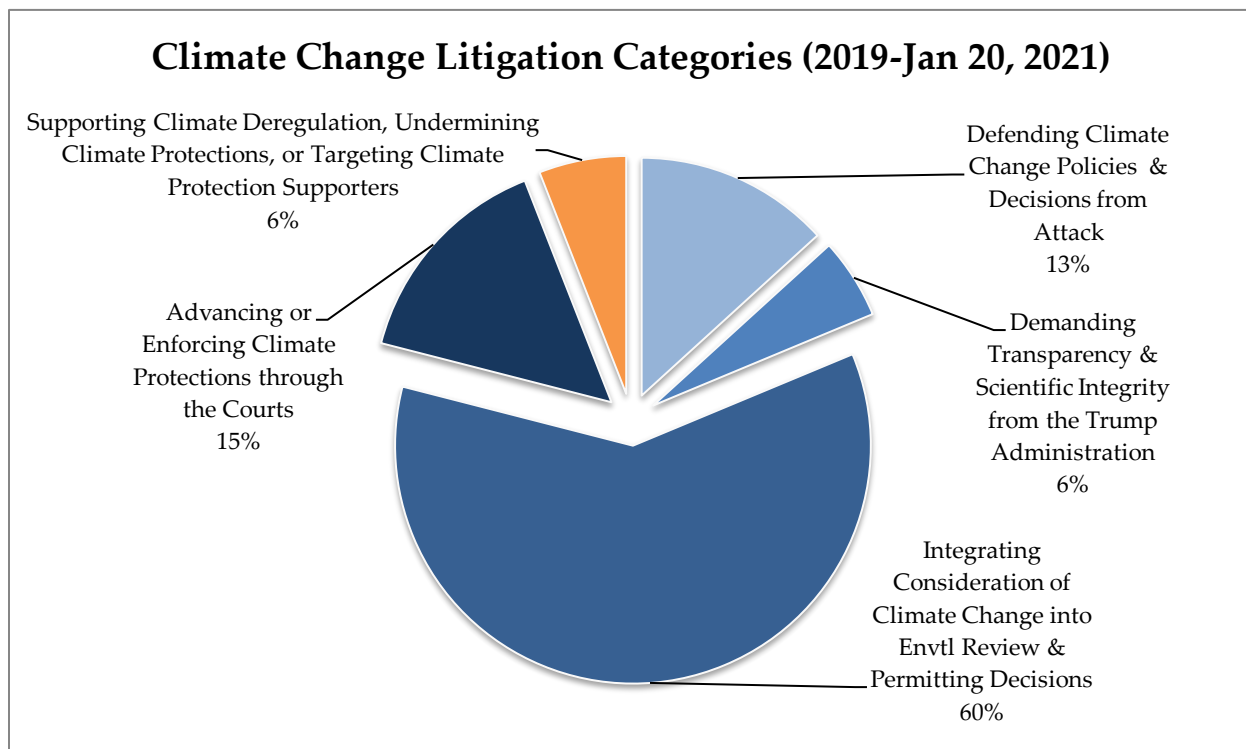


Figure 2: See Appendix A for underlying data. The final data set includes 219 cases filed between 2019 and the end of the Trump administration on January 20, 2021.

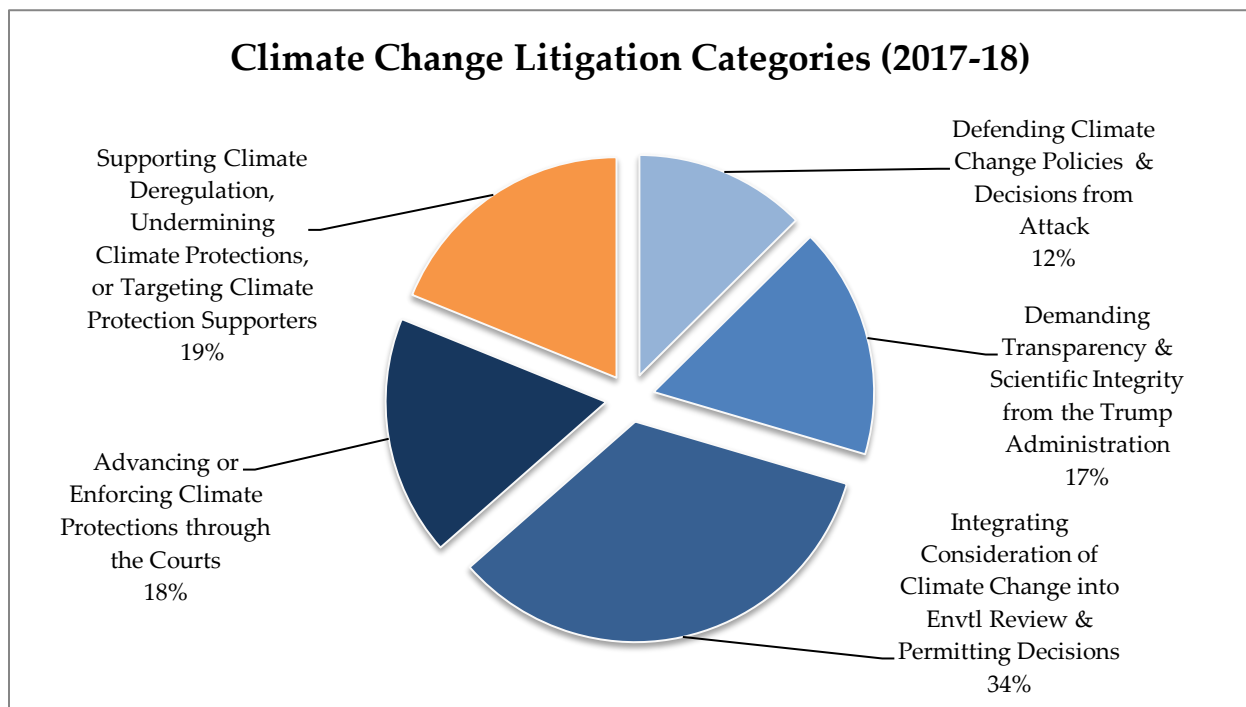


Figure 3: See Appendix C for underlying data. The data set includes 154 cases filed between 2017 and 2018 and 5 filed before 2017 for a total of 159.

3.2 Who are the Litigants?

3.2.1 Plaintiffs/Petitioners

The vast majority of plaintiffs responding to Trump administration deregulation efforts were “pro” climate regulation and climate protection. In the 378 cases analyzed, the plaintiffs/petitioners in 335 cases were “pro” climate protection, while plaintiffs/petitioners in 43 cases were “con.” In other words, 89% of the cases were “pro” cases and 11% were “con” cases. The proportion of “pro” cases increased in the final two years of the Trump administration, where 94% (or 206 out of 219) were “pro” cases. Responding to an administration committed to climate deregulation, nearly nine out of ten litigants seeking to shape federal climate law and policy over the full term were aiming to strengthen climate regulation.

The litigators filing cases during the Trump administration were most commonly non-governmental organizations (NGOs), followed in decreasing order by government entities, industry, individuals, and labor groups. As described below, many cases included multiple litigators (e.g., both NGOs and governments as plaintiffs in the same case), so percentages add up to more than 100%. NGOs were a filing party in 71% (or 270/378) of cases brought during the four years, and local, state, and tribal government entities filed in 26% (99/378) cases. Among the three least common groups, industry filed in 12%, individuals in 9%, and labor in 1%. In the final two years of the administration, the makeup of plaintiffs and petitioners stayed relatively consistent with the first two years, albeit with a slight uptick in cases filed by NGOs and governments, and a slight downtick in cases filed by industry, individuals, and labor. From 2019 until January 20, 2021, NGOs filed in 74% (163/219), government entities in 28%, industry in 9%, individuals in 8%, and labor in <1%.

In many litigation matters, plaintiffs filed together or filed against the same defendant(s) on the same substantive matter. As a result, the total number of cases reflected in Figures 4-9 below exceed the total number of cases analyzed. For instance, and as was the case in several “pro” cases, in *New York v. National Highway Traffic Safety Administration*, state governments, city

governments, international/national environmental NGOs, and local NGOs all challenged the penalty reduction for violations of vehicle standards.

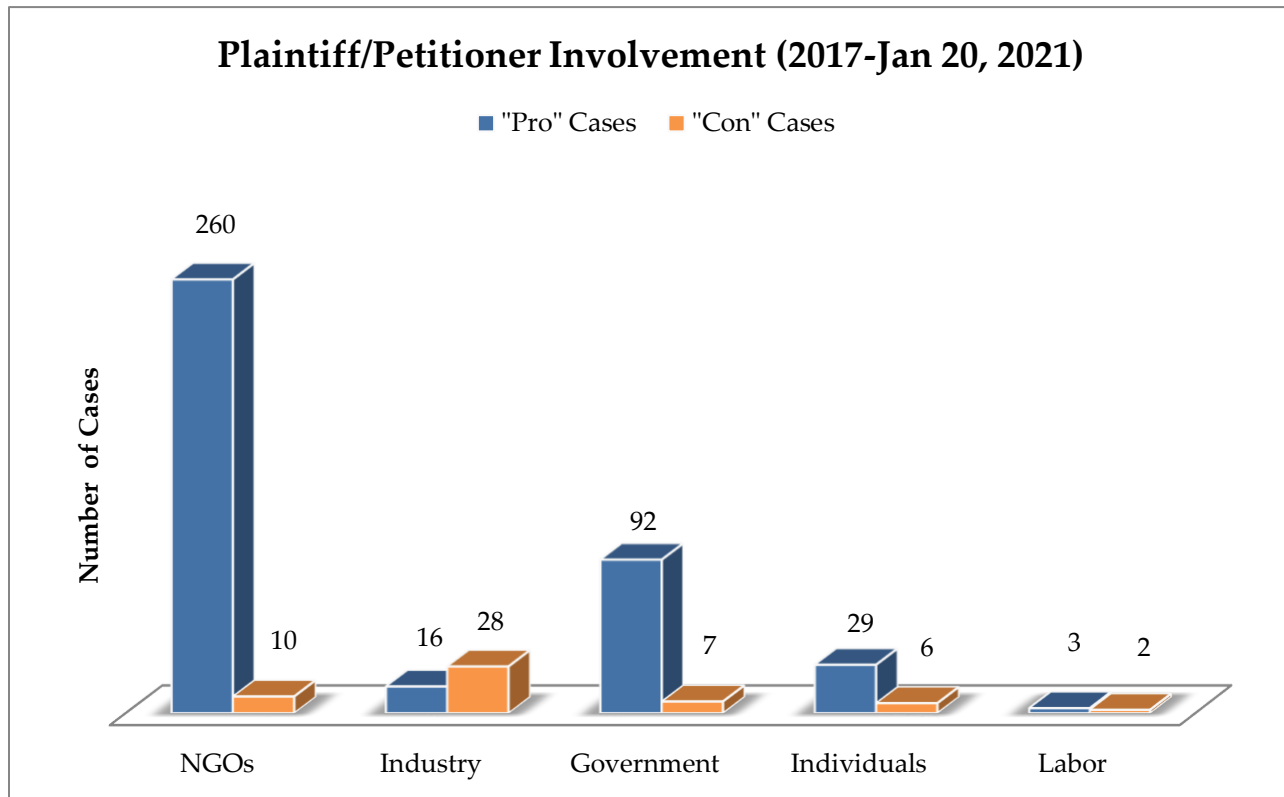


Figure 4: See Appendix A and Appendix C for underlying data. In many cases, more than one type of litigant filed, resulting in total numbers higher than the 378 case dataset.

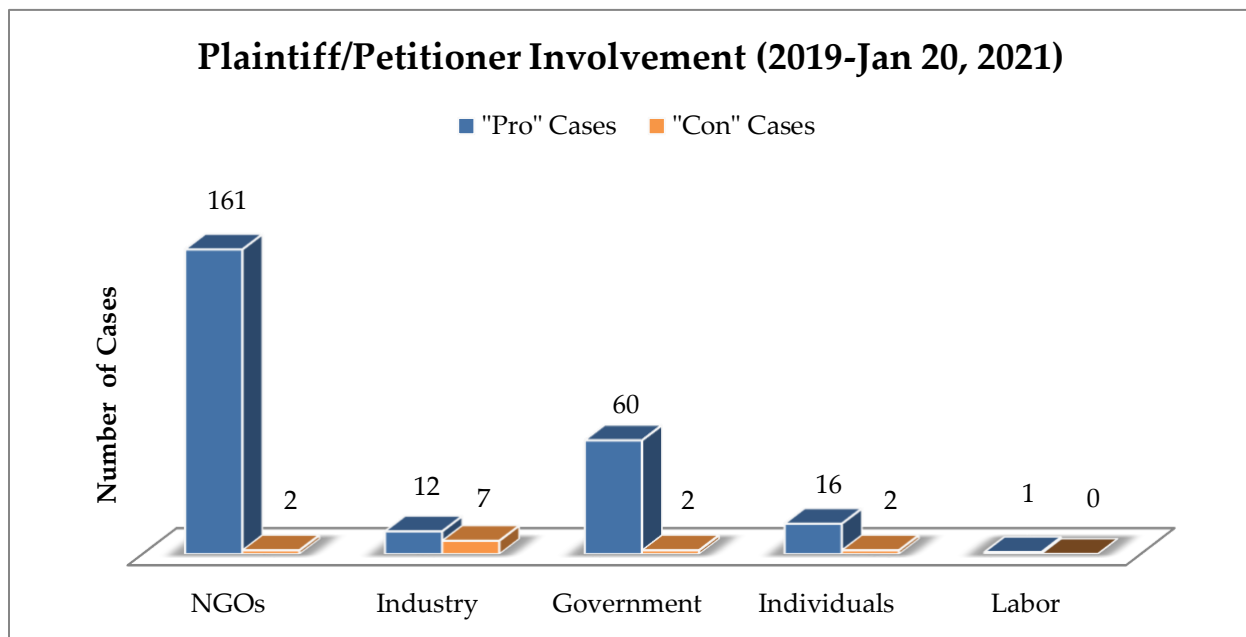


Figure 5: See Appendix A for underlying data. The makeup of filing parties stayed relatively consistent in the final two years of the administration, with slight percentage increases in cases filed by NGOs and governments.

In “pro” climate cases, NGOs were a filing party in the about three fourths of claims, making up 78% (260/335). Among the NGOs that filed cases, this analysis further breaks down filing parties into international/national environmental NGOs (e.g., Center for Biological Diversity, Natural Resources Defense Council, Sierra Club, and others) and other NGOs. Making up the majority of those in the category “Other NGOs” were local environmental groups like the named plaintiff in *Diné Citizens Against Ruining Our Environment v. U.S. Bureau of Land Management*. As the table below implies and the data in Appendix A shows, many cases involved both international/national environmental NGOs and local NGOs filing together. NGOs were plaintiffs in consistent proportions throughout the four years, as in the final two years of the Trump administration, they filed in 78% (161/206) of “pro” cases.

The second most common grouping of plaintiffs in “pro” cases were governments. Government entities filed in 27% (92/335) of “pro” cases.¹² As might be expected, the federal

¹² A coalition of Democratic state attorneys general, often allied with cities, brought many of these cases, with Republican state attorneys general frequently joining the other side.

government filed no “pro” climate cases during its four years, whereas state, local, and tribal governments (in that order) filed several such cases.

In the final two years of the administration, industry groups filed a relatively larger proportion of “pro” cases, filing in 6% (12/206). The industry category is made of private companies and trade associations, and the trade groups that filed included those representing renewable energy, fishermen, and farmers.

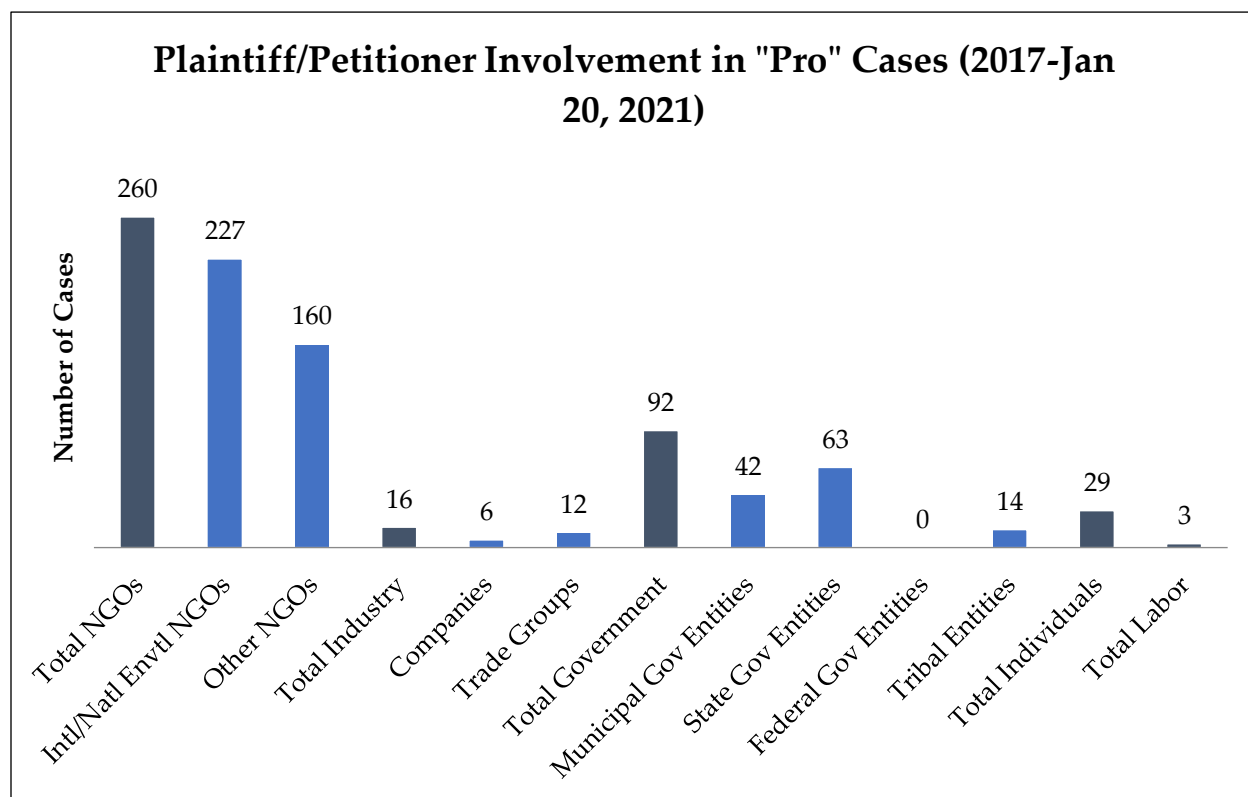


Figure 6: See Appendix A and Appendix C for underlying data. Total categories are marked in dark blue and subset categories are marked in lighter blue. Because multiple litigants filed in the same case, sums of subset totals are higher than category totals.

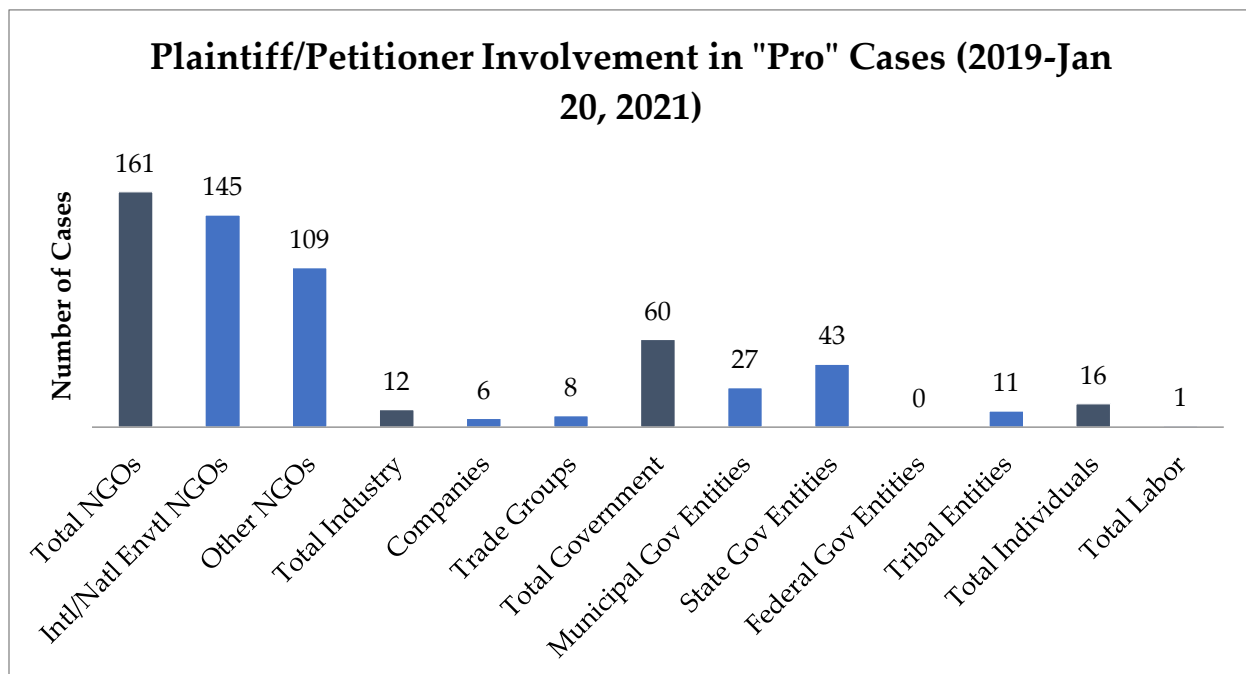


Figure 7: See Appendix A for underlying data.

In “con” climate cases, industry groups were plaintiffs/petitioners in the largest share of cases, followed by NGOs, governments, individuals, and labor. Industry groups filed in 65% (28/43) of “con” cases, while NGOs filed in 23% (10/43). As described above, the industry group category is made up of both private companies and trade groups. Industry actors may be underrepresented in the overall figures because they intervene in cases at a high rate, and interventions are not tracked in this analysis. Trade groups and companies that filed in “con” cases included most commonly fossil fuel companies and fossil fuel industry associations, but also restaurant groups and automobile dealers. Two of the relatively small number of NGOs that filed were the Competitive Enterprise Institute and Energy Policy Advocates. The federal government’s only involvement as a plaintiff/petitioner came in “con” cases. As described above, “con” cases declined in the latter two years of the administration, when only 13 such cases were filed. In the limited data of these latter two years, industry (54% or 7/13) and NGO (15% or 2/13) plaintiffs declined as a percentage of cases filed in those years.

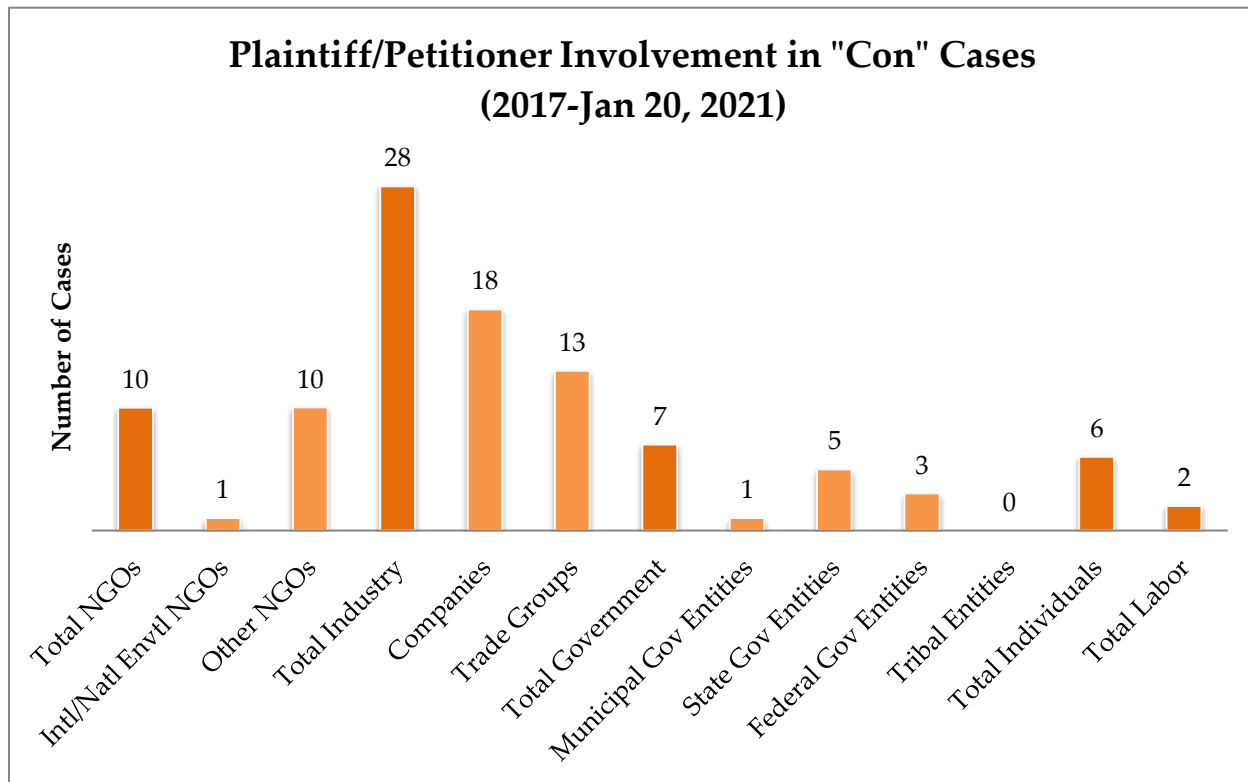


Figure 8: See Appendix A and Appendix C for underlying data. Total categories are marked in dark orange and subset categories are marked in lighter orange. Because multiple litigants filed in the same case, subset totals are higher than category totals.

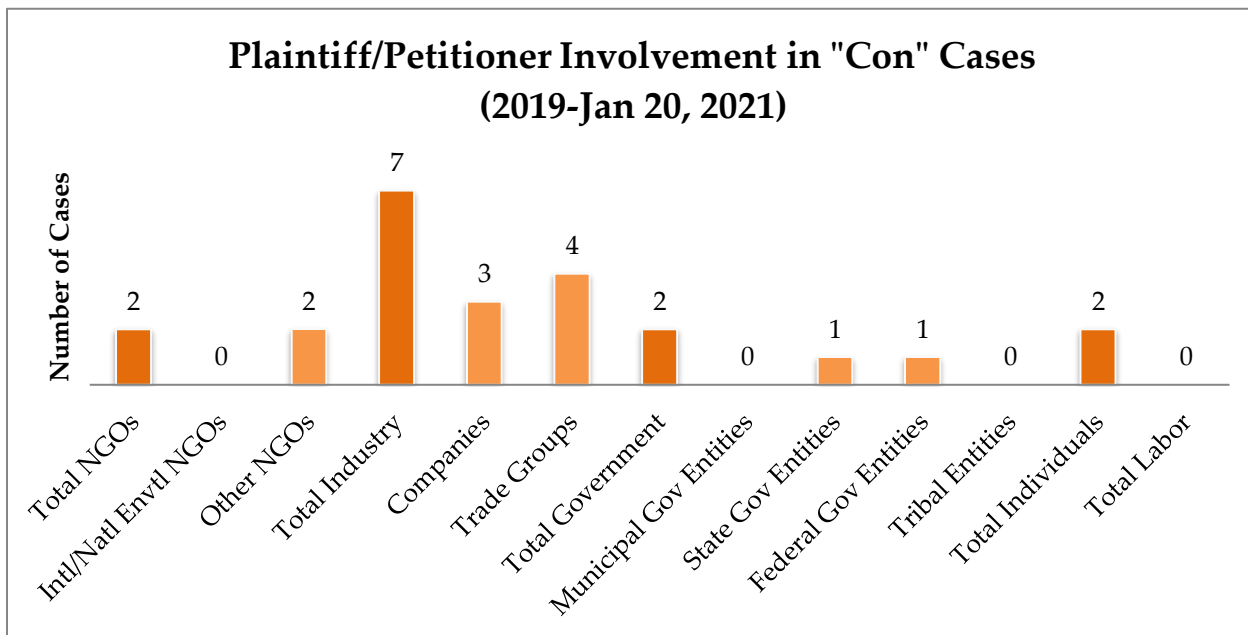


Figure 9: See Appendix A for underlying data.

3.2.2 Defendants

The federal government was a defendant in the vast majority of climate cases filed throughout the Trump administration. Cases naming a federal agency or a federal official acting in their official capacity as defendants made up 84% (314/373)¹³ of those filed. Industry and local/state governments, tied for the second most common type of defendant, were defendants in 9% of cases (or 34/373 for industry, and 33/373 for governments). The vast majority of industry defendants were fossil fuel companies, often in climate liability or climate misinformation cases. Critics of fossil fuel companies round out the final category of defendants in five cases, where individuals were sued for alleged damages stemming from protesting fossil fuel development.

Parties named categories of defendants at similar rates in the final two years of the Trump administration as in the first two years. The federal government was a named defendant in 88% (192/219), industry in 9% (19/219), and local/state-level government in 7% (16/219) in the final two years.

¹³ This 373 total number does not include five abeyance cases filed near the beginning of the Trump administration because of the complex nature of categorizing the defendant in those cases. In such cases, the initial named defendant was Obama-led agencies, but over the course of the case, executive branch control switched to the Trump administration. Once that occurred, the agency, despite being the named defendant, acted more like a petitioner in filing the motion for abeyance.

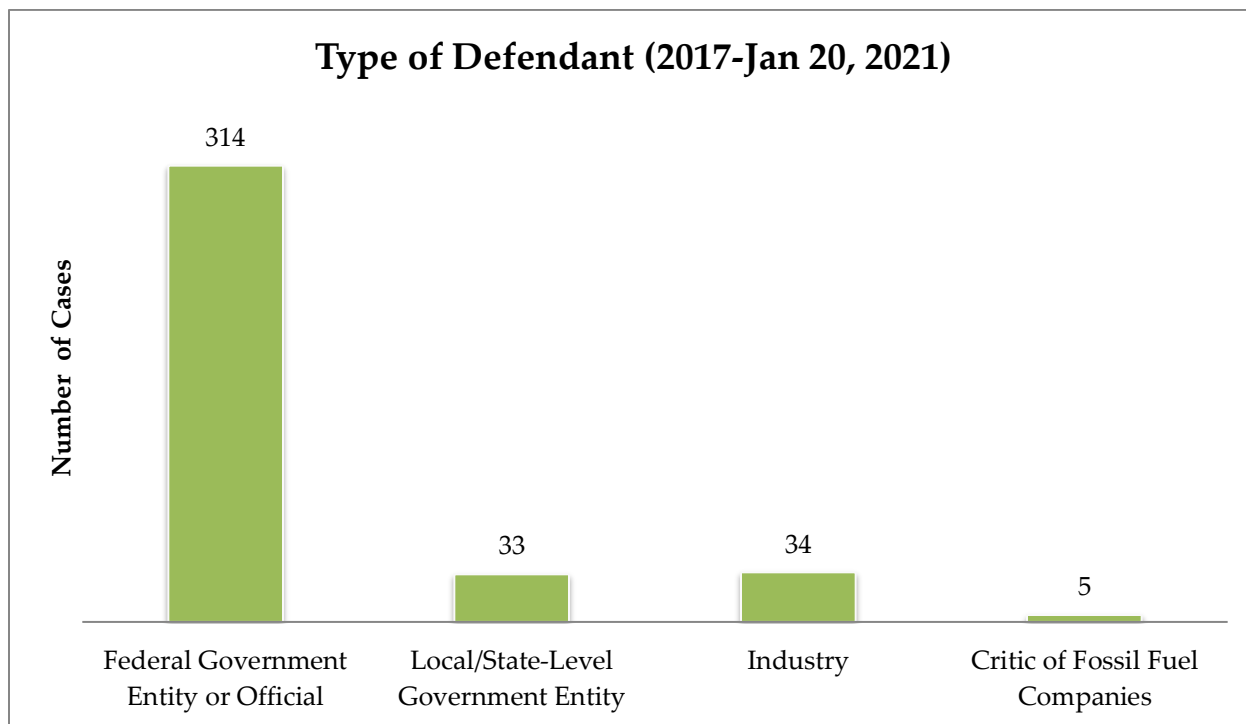


Figure 10: See Appendix A and Appendix C for underlying data. Sums are slightly higher than the total case count in the dataset because some cases named both federal government entities and industry and/or state government entities as defendants. Defendants in both “pro” and “con” cases are counted together in these charts.

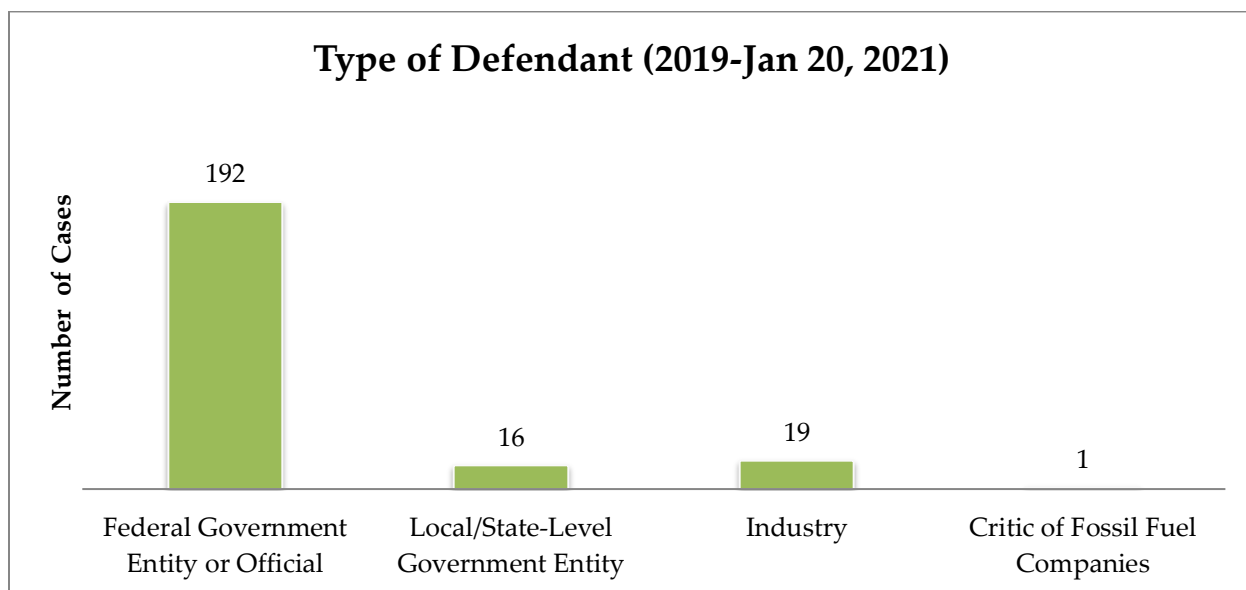


Figure 11: See Appendix A for underlying data. Categories of defendants were named in similar rates in the latter two years as the former two years of the Trump administration.

Plaintiffs sued many agencies of the federal government in their climate suits during the Trump administration, but focused the greatest number against the Department of Interior (DOI) and the second most against the Environmental Protection Agency (EPA). DOI was by far the most common defendant, named in 35% (132/373) of cases, and EPA was a named defendant in 17% (63/373). Many suits named multiple agencies as defendants in the same case, resulting in the sum being higher than the number of cases with federal government named as a defendant above (314). In figures 12 and 13, cases against a subsidiary agency (e.g., the U.S. Fish and Wildlife Service (FWS)) were counted as cases against their parent agency (e.g., DOI). Where both a subsidiary and the parent agency were named in the same suit (e.g., Bureau of Land Management (BLM) and DOI), the defendant parent agency (DOI) was counted once. Plaintiffs named DOI as a defendant in several endangered species and oil and gas leasing cases. Where an agency official was sued in their official capacity, the defendant was counted as the agency for which the official worked. Within the DOI, FWS and BLM were the most common bureaus named as defendants (see figures 14-15).

Suits against the U.S. Army Corps of Engineers (USACE), the Department of Commerce (DOC), and the Department of Transportation (DOT) increased significantly in the final two years of the Trump administration relative to the first two years. In the final two years, USACE were defendants in 11%, DOC in 11%, and DOT in 8%.

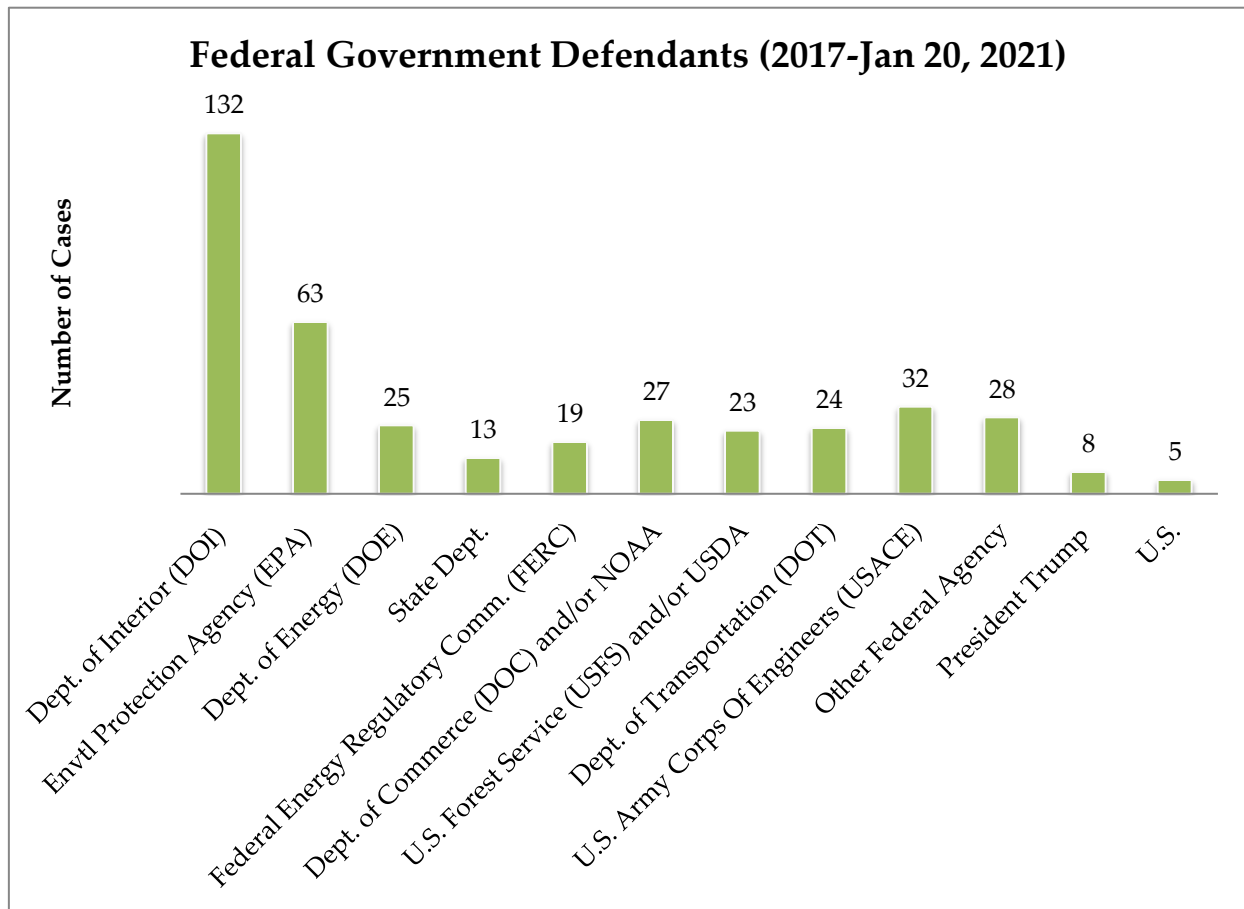


Figure 12: See Appendix A and Appendix C for underlying data. Many suits named multiple agencies as defendants. Where subsidiary agencies were named, cases were counted as naming the parent agency. Defendants in both “pro” and “con” cases are counted together in these charts.

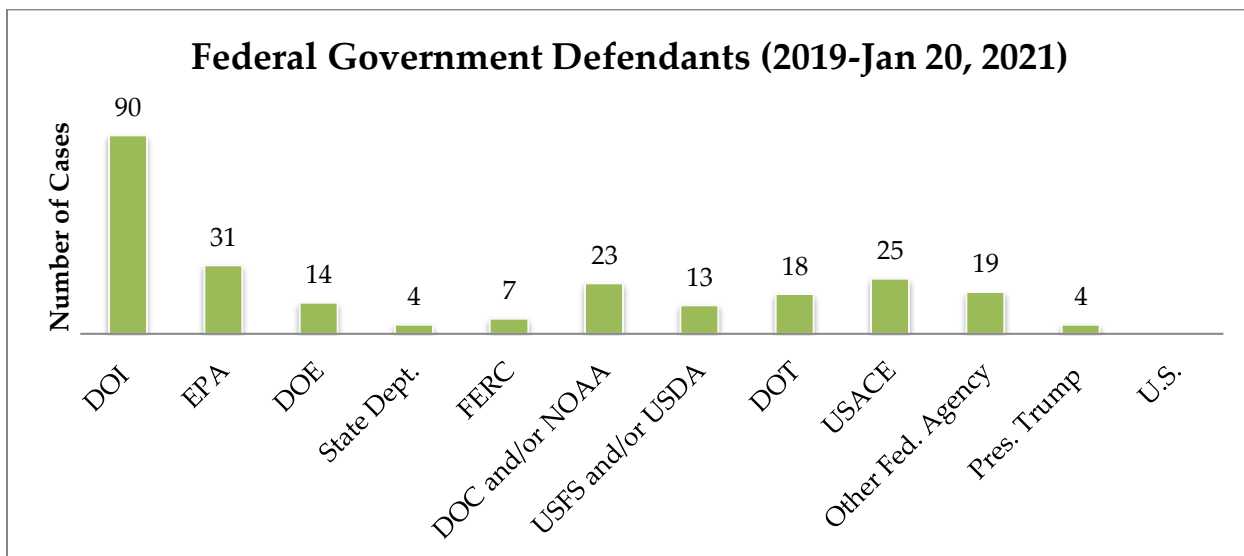


Figure 13: See Appendix A for underlying data.

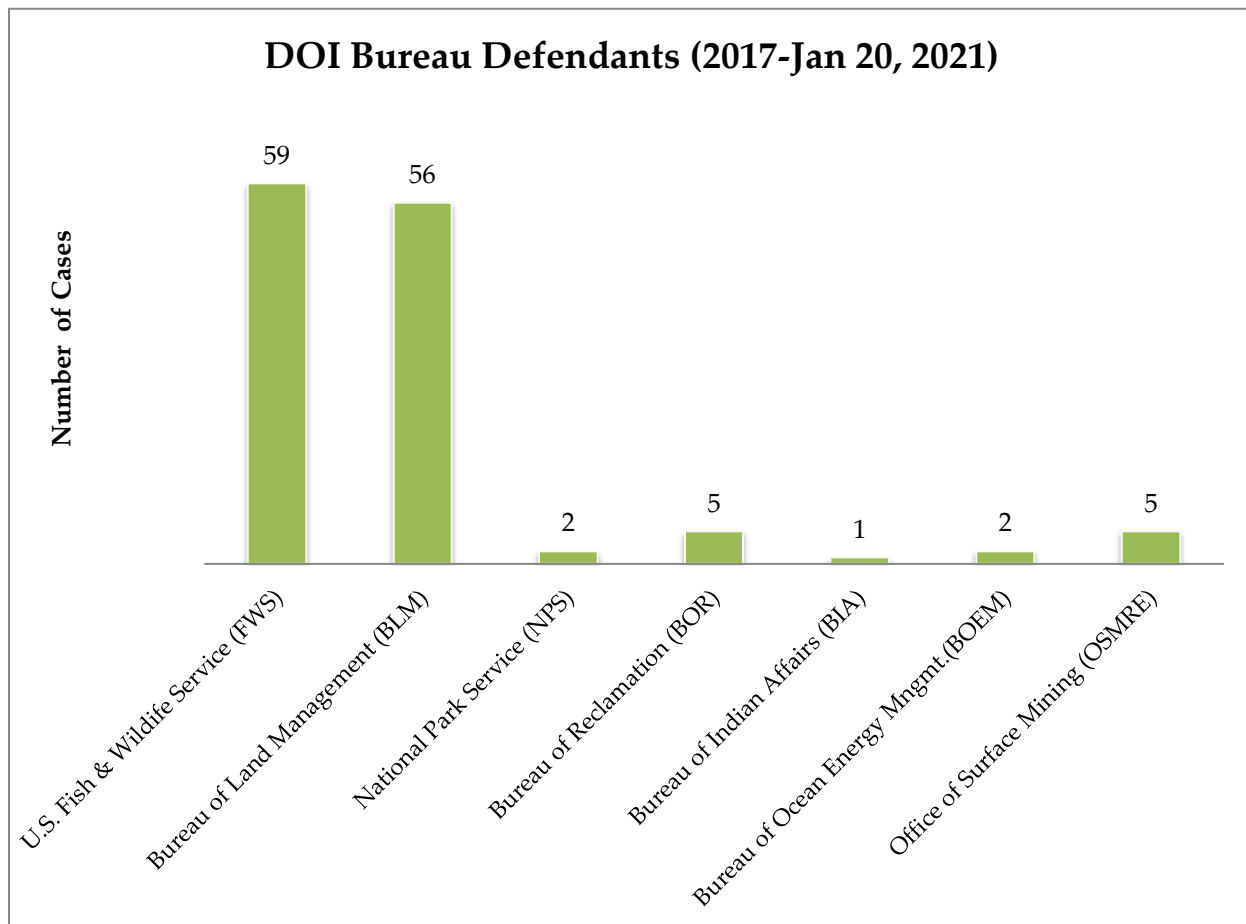


Figure 14: See Appendix A and Appendix C for underlying data. Plaintiffs often sued the DOI and one or more of its bureaus in the same case. Some cases also involved multiple bureaus named as defendants.

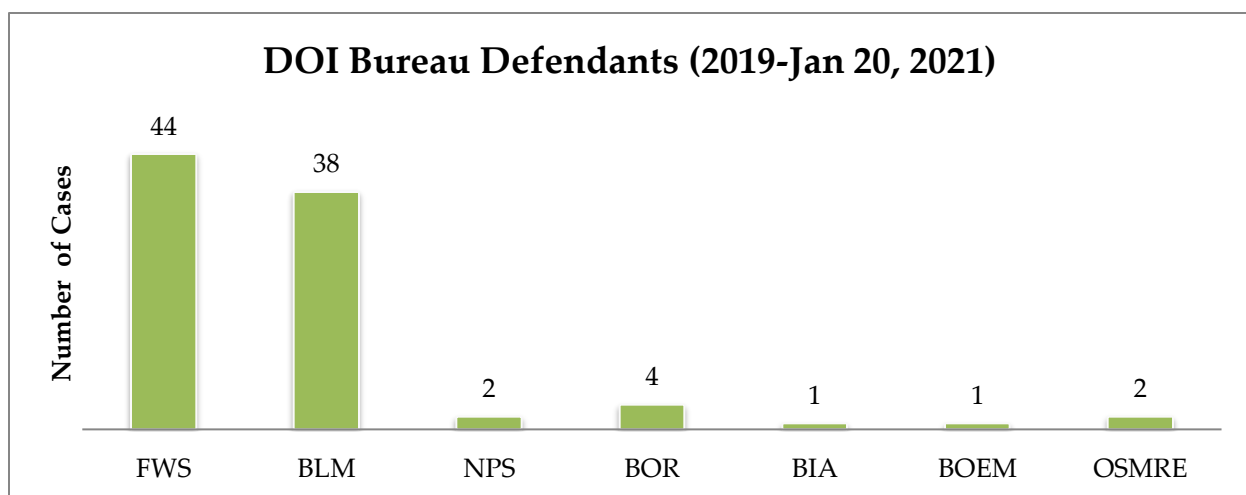


Figure 15: See Appendix A for underlying data.

3.3 What is the Substance of the Litigation?

The climate litigation response to Trump administration deregulation covered a broad variety of substantive sectors. For the purposes of this analysis, each case was assigned one dominant sector. The two most common tracked in this analysis were “impacts on climate, land, water, and wildlife” (the dominant sector in 31% of cases) and “fossil fuel extraction, processing and transport” (26%). These sectors often corresponded with fights over individual projects – whether a development project allegedly failed to consider climate impact on wildlife, or whether a fossil fuel pipeline allegedly failed to consider climate emissions. The number of cases in each sector, however, does not necessarily capture their potential impact on climate change. Suits against agency rules on economy-wide emissions, like power plant or vehicle emissions, were lower in number but could have an outsized impact on the federal policy and legal response to climate change.

In the second half of the Trump administration, the same two sectors dominated. Impacts on climate, land, water, and wildlife cases made up 42% of those filed in the final two years, reflecting growing numbers of fights over endangered species impacts or other climate concerns from individual projects. The growing number of such impacts cases, alongside a steadily high number of fossil fuel extraction, processing, and transport cases, corresponded with increased filings by NGOs, increased naming of agencies like the DOI as defendants, and increased invocation of laws like NEPA and the ESA (more on the laws invoked below).

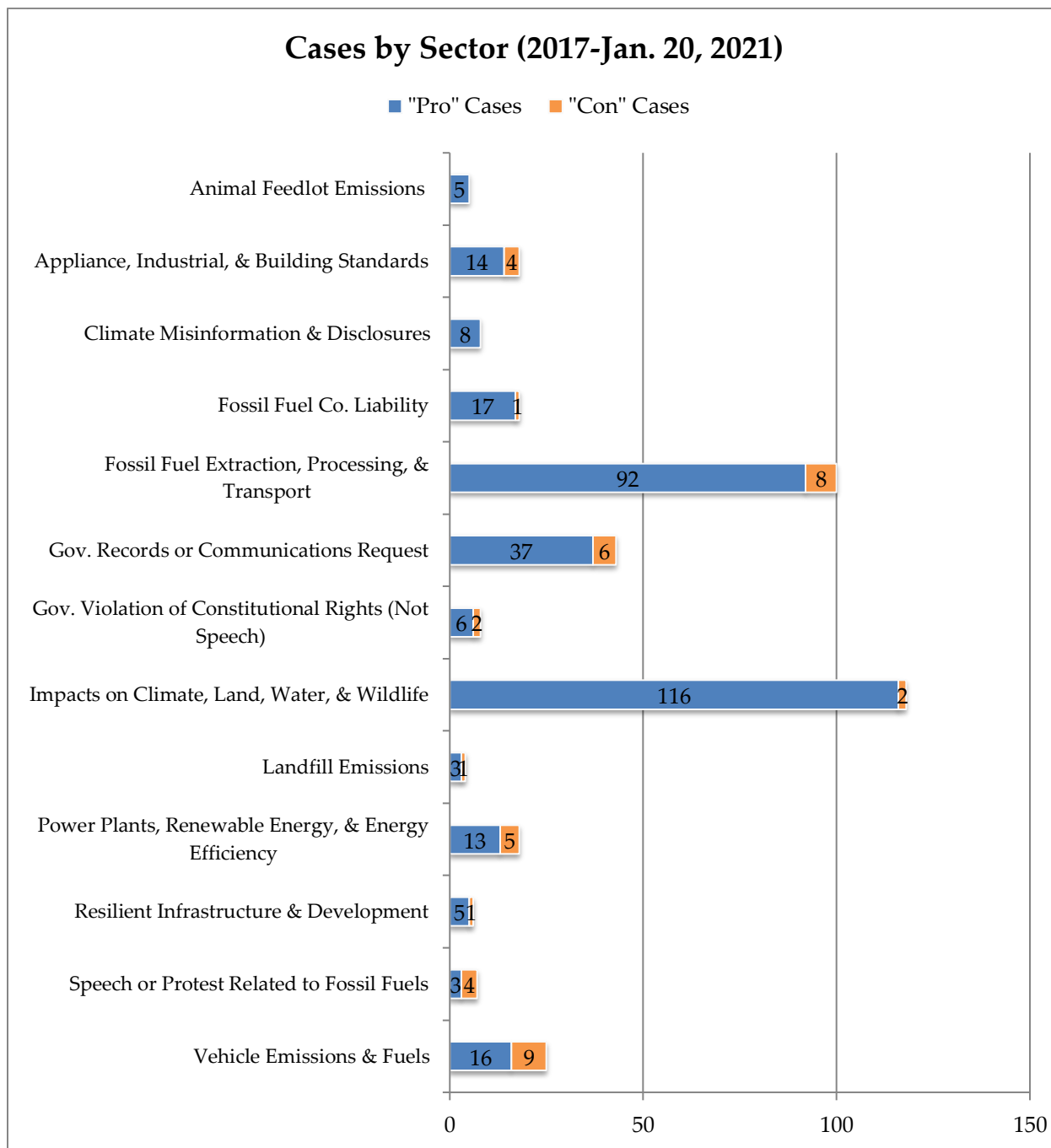


Figure 16: See Appendix A and Appendix C for underlying data. Each case was assigned one sector. Many “impacts” and “fossil fuel extraction” cases involved fights over individual projects, whereas several “vehicle emissions” and “power plants” cases involved suits over broader rules.

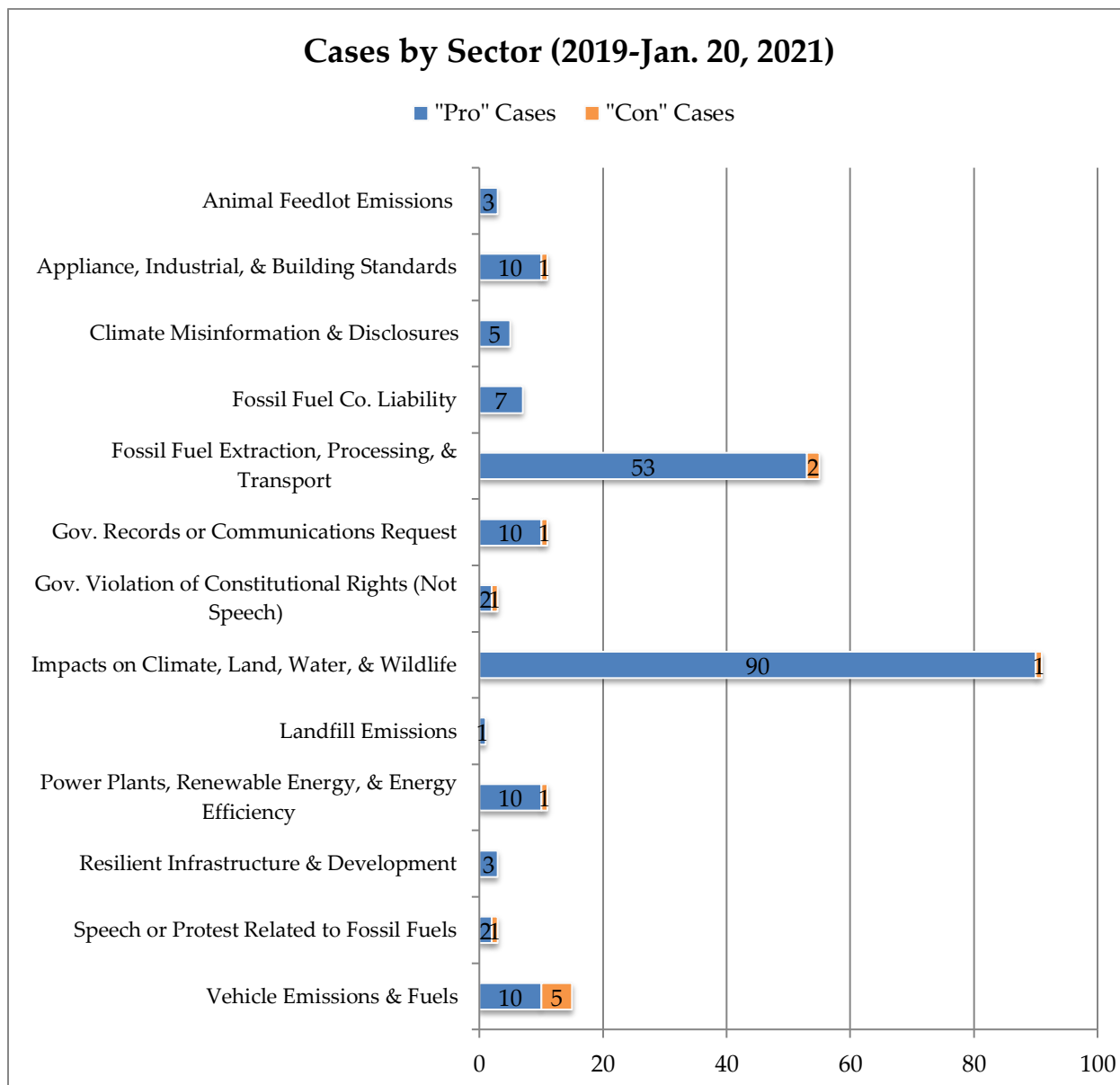


Figure 17: See Appendix A for underlying data. Each case was assigned one sector. “Impacts” cases increased significantly in the final two years.

The disputes most commonly invoked federal environmental law (in 66% of cases) and administrative law (in 48% of cases). Often, suits invoked more than one law in their climate claims, resulting in totals in the below chart higher than the overall case count. The final two years of the Trump administration saw notable increases in those invoking federal energy law (8 cases in the first two years, 21 in the final two), and federal environmental law (invoked in 76% of cases in the final two years).

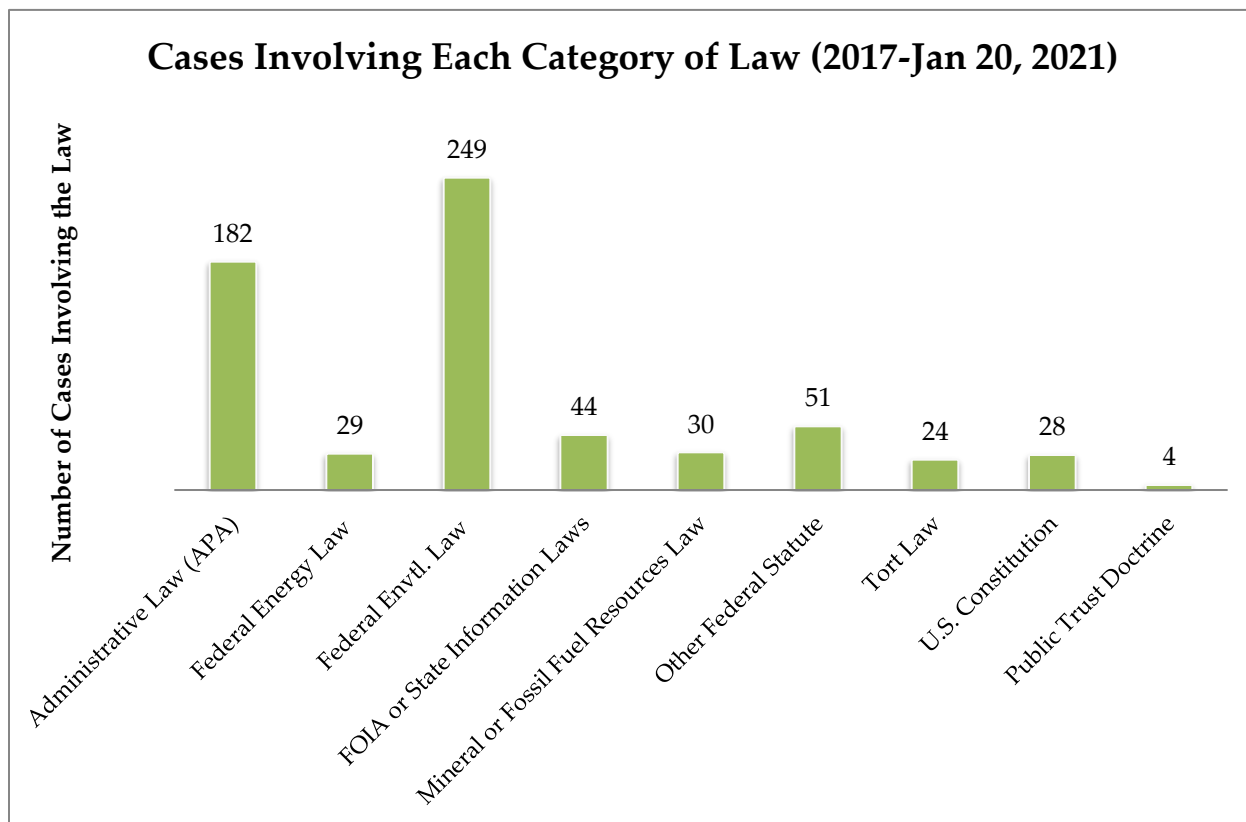


Figure 18: See Appendix A and Appendix C for underlying data. Several cases invoked multiple types of law in the same case. The Tort Law category includes claims based in state/local consumer protection law.

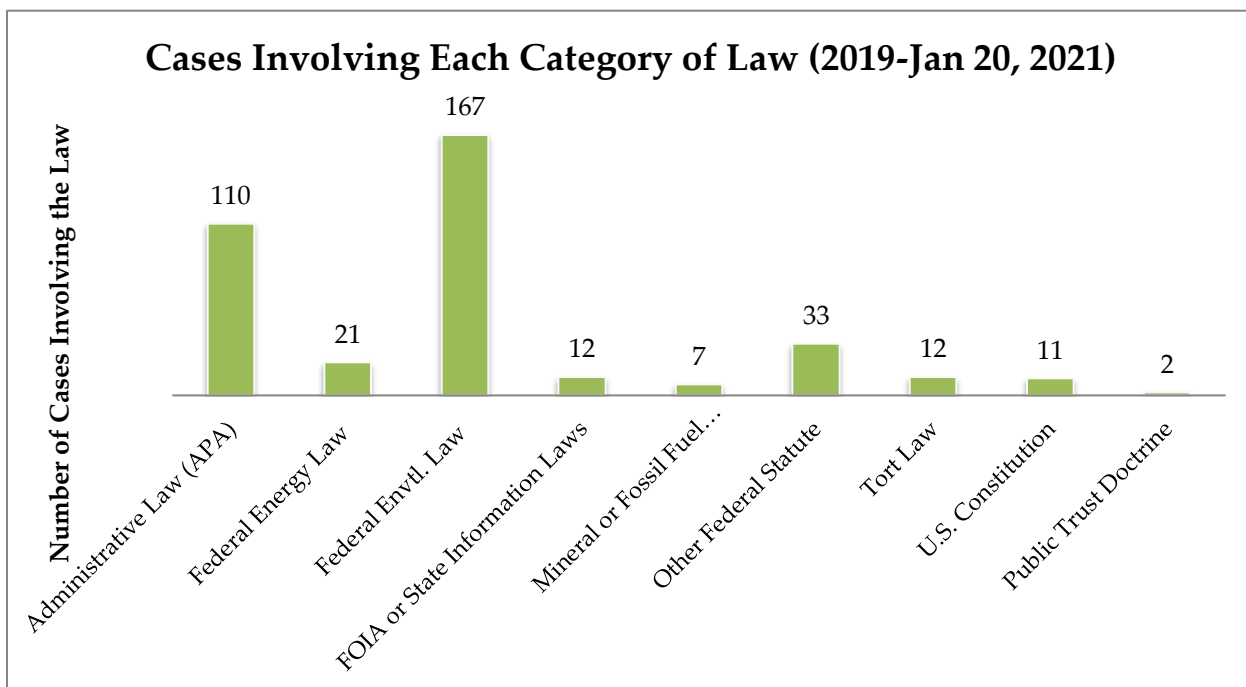


Figure 19. See Appendix A for underlying data.

Cases invoking federal environmental law may be further broken down into four dominant environmental laws, where plaintiffs raised claims under NEPA in 57% of such cases (143/249). Similar to the sectoral analysis above, NEPA and ESA were often raised in disputes over individual projects, whereas a greater share of Clean Air Act (CAA) cases involved fights over agency rules. In NEPA cases, plaintiffs often challenged an environmental review for a project for failing to consider its impact on climate change, and in ESA cases, plaintiffs challenged listing and delisting decisions for failing to consider climate impacts on wildlife. Together, “pro” side litigation invoking these laws represented efforts by plaintiffs to force further judicial and agency consideration of the laws in light of climate change, and to prevent federal attacks on the laws. Absent an executive branch willing to invoke the laws to regulate climate impacts, plaintiffs turned to the courts to shape their understanding and impact. The second half of the Trump administration saw an especially strong increase in ESA claims, to 32% (53/167) of cases invoking federal environmental law in the final two years.

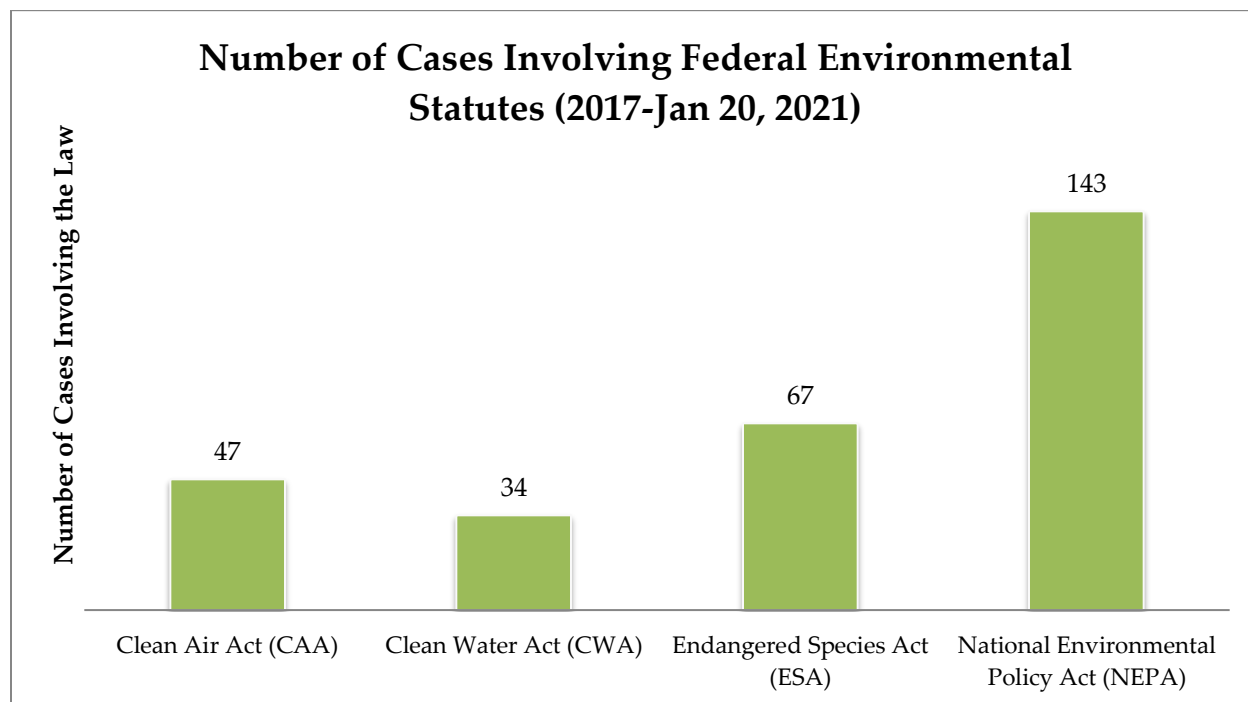


Figure 20: See Appendix A and Appendix C for underlying data. Some cases invoked multiple types of environmental statutes in the same case (e.g., NEPA and ESA).

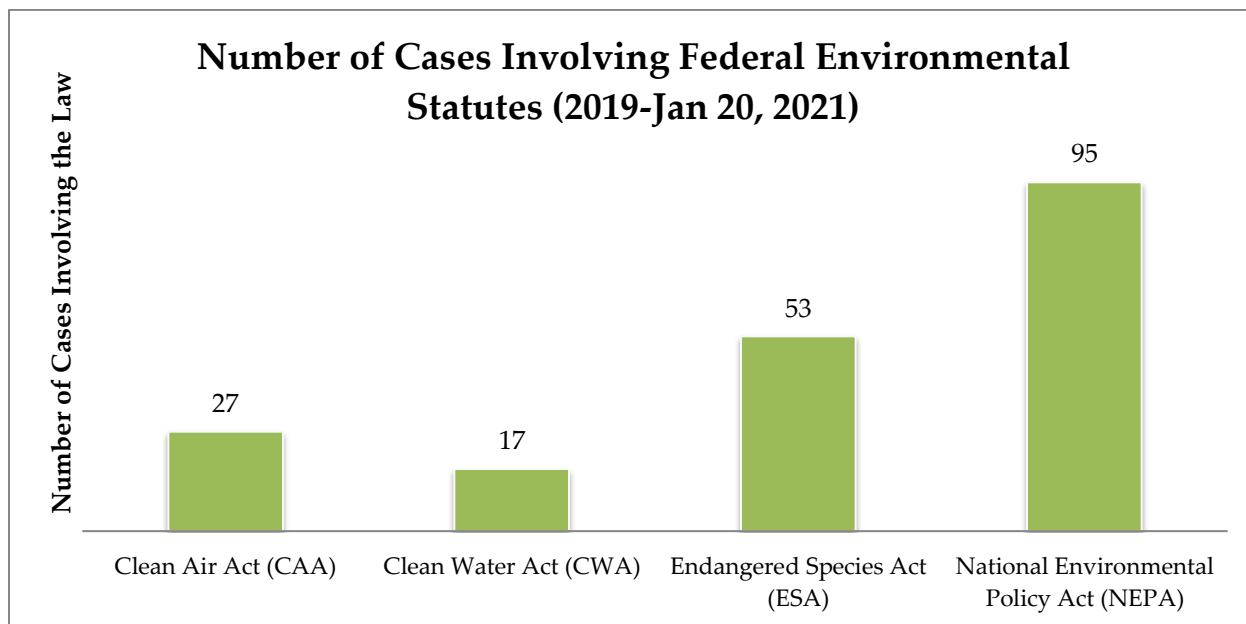


Figure 21: See Appendix A for underlying data.

4. CONCLUSION

In response to a presidential administration uniquely committed to climate deregulation, hundreds of litigants turned to the judiciary. At least 378 cases filed in courts across the United States responded to or interacted with the Trump administration’s agenda of climate deregulation. Of those, 89% aimed at climate protection or weakening climate deregulation and 11% aimed at furthering climate deregulation or undermining those seeking climate protection. Pro-climate protection plaintiffs filed the greatest number of cases aiming to integrate climate change into environmental review and permitting, but also filed cases in significant numbers to defend climate policies, demand transparency, and advance climate protections. The most common plaintiffs/petitioners in “pro” cases were NGOs, followed next by government entities, and the most common filing parties in “con” cases were industry actors. The federal government was by far the most common defendant in all cases, with the Department of Interior the most sued agency. In terms of the sectors implicated in the cases, the highest number raised claims based on the climate impacts on the environment, and the second highest number involved fossil

fuel development. Litigants based their suits on federal environmental statutes and administrative law in high numbers, and cited the National Environmental Policy Act most often in their suits. Many of these trends reflect high numbers of cases filed by NGOs against the federal government alleging unlawful failure to consider climate change in their permitting of fossil fuel projects, or in their decisions regarding endangered species.

Further analysis could build on the numbers above and the data included below to paint an even fuller picture of climate litigation during Trump's four years in office. Researchers could analyze the success and failure of suits to stop the administration's deregulatory efforts, and the ways in which future lawsuits could build on these successes and learn from the failures. Further analysis could also give more depth to the relative weight and importance of certain cases, as raw numbers do not necessarily reflect the impact of cases on climate protection efforts. Some researchers may be interested in examining the different forces contributing to litigation strategies and tactics by different actors. As climate litigation enters a new era with a new presidential administration and increasing climate impacts with associated human harms, this further analysis could benefit a field growing in importance.

APPENDIX A: 2019 – JAN. 20, 2021 CASES REVIEWED IN THE ANALYSIS

The cases included in the data set are listed below and grouped by their trend categorization. The case summaries are taken from the Sabin-AP U.S. Climate Change Litigation database available at <http://climatecasechart.com/us-climate-change-litigation/>. Case status is not provided because this information is constantly evolving.

Defending Obama Administration Climate Policies & Decisions (Jan 1 - 20, 2021)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
California v. EPA	D.C. Cir.	Local/Regional Gov (States and Cities), NGO (Intl/Natl Envntl, Local)	EPA	Clean Air Act (CAA)	Power Plants, Renewables, & Energy Efficiency	Challenge to EPA rule setting a threshold for determining whether greenhouse gas emissions from new source performance standard source categories contribute significantly to dangerous air pollution.
California v. U.S. Department of Energy	2d Cir.	Local/Regional Gov (States and Cities), NGO (Intl/Natl Envntl, Local)	DOE	Energy Policy and Conservation Act (EPCA), Administrative Procedure Act (APA)	Appliance, Industrial, and Building Standards	Challenge to U.S. Department of Energy rule creating new product classes for short cycle washers and dryers in the energy conservation program.

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New York v. EPA	D.C. Cir.	Local/Regional Gov (States and Cities), NGO (Intl/Natl Envntl, Local)	EPA	Clean Air Act (CAA)	Power Plants, Renewables, & Energy Efficiency	Challenge to EPA's rule on "Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process."
New York v. U.S. Department of Energy	2d Cir.	Local/Regional Gov (States and Cities)	DOE	Energy Policy and Conservation Act (EPCA), Administrative Procedure Act (APA)	Appliance, Industrial, and Building Standards	Challenge to final rule establishing an interim waiver process for test procedures for the energy efficiency program.
Renewable Fuels Association v. EPA	D.C. Cir.	Trade Association	EPA	Clean Air Act (CAA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to EPA's granting of small refinery exemptions from Renewable Fuel Standard obligations.

Defending Obama Administration Climate Policies & Decisions (2020)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
California v. U.S. Department of Energy	9th Cir.	Local/Regional Gov (States, Cities), NGO (Intl/Natl Env'tl, Local)	DOE	Energy Policy and Conservation Act (EPCA)	Appliance, Industrial, and Building Standards	Challenge to U.S. Department of Energy's final rules amending the procedures for new or revised energy conservation standards and test procedures for consumer products and commercial/industrial equipment.
California v. Wheeler	D.C. Cir.	NGO (Intl/Natl Env'tl, Local), Local/Regional Gov (States, Cities)	NHTSA, EPA, DOT	Clean Air Act (CAA), Energy Policy and Conservation Act (EPCA), Administrative Procedure Act (APA)	Vehicle Emissions & Fuels	Challenge to the Trump administration's amendment of greenhouse gas and fuel economy standards for passenger cars and light trucks.

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California v. Wheeler	N.D. Cal.	Local/Regional Gov (States, Cities)	EPA, USACE	Clean Water Act (CWA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the Trump administration's amendments to the Clean Water Act's definition of "waters of the United States."
California v. Wheeler	D.C. Cir.	Local/Regional Gov (States, Cities), NGO (Intl/Natl Env'tl, Local)	EPA	Clean Air Act (CAA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to EPA amendments to the 2012 and 2016 new source performance standards for the oil and gas sector.
Conservation Law Foundation v. EPA	D. Mass	NGO (Intl/Natl Env'tl, Local)	EPA, USACE	Clean Water Act (CWA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the Trump administration's amendments to the Clean Water Act's definition of "waters of the United States."

U.S. Climate Change Litigation in the Age of Trump: Full Term

Environmental Defense Fund v. Wheeler	D.C. Cir.	NGO (Intl/Natl Envtl, Local) Local/Regional Gov (State)	EPA	Clean Air Act (CAA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to technical amendments based on reconsideration of the 2016 new source performance standards for the oil and gas sector.
Environmental Justice Health Alliance v. Council on Environmental Quality	S.D.N.Y.	NGO (Intl/Natl Envtl, Local)	CEQ	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to amendments of the National Environmental Policy Act regulations.
Iowa Citizens for Community Improvement v. Council on Environmental Quality	D.D.C.	NGO (Intl/Natl Envtl, Local)	CEQ	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Animal Feedlot Emissions	Lawsuit challenging the Council on Environmental Quality's amendments of the National Environmental Policy Act regulations for unlawfully limiting NEPA review related to concentrated animal feed operations.

U.S. Climate Change Litigation in the Age of Trump: Full Term

Natural Resources Defense Council, Inc. v. U.S. Department of Energy	2d. Cir.	NGO (Intl/Natl Env'tl, Local)	DOE	Energy Policy and Conservation Act (EPCA)	Appliance, Industrial, and Building Standards	Challenge to U.S. Department of Energy energy efficiency rule establishing a new product class of residential dishwashers.
Natural Resources Defense Council, Inc. v. Wheeler	D.C. Cir.	NGO (Intl/Natl Env'tl), Local/Regional Gov (States, Cities)	EPA	Clean Air Act (CAA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to revisions to the Refrigerant Management Program's 2016 extension to substitute refrigerants (originally consolidated with industry challenge to 2016 rule (Nos. 17-1016 and 17-1017)).
Pascua Yaqui Tribe v. EPA	D. Ariz.	Local/Regional Gov Entity (Tribes)	EPA, USACE	Clean Water Act (CWA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the revised definition of "waters of the United States" under the Clean Water Act.

U.S. Climate Change Litigation in the Age of Trump: Full Term

<p>Puget Soundkeeper Alliance v. EPA</p>	<p>W.D. Wash.</p>	<p>NGO (Intl/Natl Envtl, Local)</p>	<p>EPA, USACE</p>	<p>Clean Water Act (CWA), Administrative Procedure Act (APA)</p>	<p>Impacts on Climate, Land, Water, & Wildlife</p>	<p>Challenge to the revised definition of "waters of the United States" under the Clean Water Act.</p>
<p>Wild Virginia v. Council on Environmental Quality</p>	<p>W.D. Va.</p>	<p>NGO (Intl/Natl Envtl, Local)</p>	<p>CEQ</p>	<p>National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)</p>	<p>Impacts on Climate, Land, Water, & Wildlife</p>	<p>Challenge to amendments to the National Environmental Policy Act regulations.</p>

Defending Obama Administration Climate Policies & Decisions (2019)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
American Lung Association v. EPA	D.C. Cir.	NGO (Intl/Natl Envntl), Local/State Gov (Cities, States), Trade Group (Wind, solar), Companies (Power)	EPA	Clean Air Act (CAA)	Power Plants, Renewables, & Energy Efficiency	Challenge to final rule repealing the Clean Power Plan and replacing it with the Affordable Clean Energy rule.
Animal Legal Defense Fund v. Bernhardt	N.D. Cal.	NGO (Intl/Natl Envntl)	DOI, DOC	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to revision of the ESA regulations eliminating regulations.
California v. Bernhardt	N.D. Cal.	Local/State Gov (States, Cities)	DOI, DOC, FWS, NMFS	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to amendments to Endangered Species Act regulations.

U.S. Climate Change Litigation in the Age of Trump: Full Term

California v. Trump	D.D.C.	Local/State Gov (States)	President Trump, OMB, DOE, DOT, DOL, DOI, EPA, HHS	Administrative Procedure Act (APA), Take Care Clause, Separation of Powers Doctrine	Power Plants, Renewables, & Energy Efficiency	Federal Court Dismissed States' Challenge to Trump Deregulatory Executive Order.
California v. U.S. Department of Transportation	N.D. Cal.	Local/State Gov (State)	DOT, Federal Railroad Admin.	Administrative Procedure Act (APA)	Resilient Infrastructure & Development	Challenge to the termination of federal funding for high-speed rail project in California.
Center for Biological Diversity v. Bernhardt	N.D. Cal.	NGO (Intl/Natl Env'tl)	DOI, DOC, FWS, NMFS	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to amendments to the Endangered Species Act regulations.
Environmental Defense Fund v. EPA	D.C. Cir.	NGO (Intl/Natl Env'tl), Local/Regional Gov (States)	EPA	Clean Air Act (CAA)	Landfill Emissions	Challenges to EPA's final rule extending certain implementation deadlines for the 2016 emission guidelines for municipal solid waste landfills.

U.S. Climate Change Litigation in the Age of Trump: Full Term

Natural Resources Defense Council v. U.S. Department of Energy	2d Cir.	NGO (Intl/Natl Env'tl, Local)	DOE	Energy Policy and Conservation Act (EPCA); Energy Independence and Security Act (EISA)	Appliance, Industrial, and Building Standards	Challenge to the U.S. Department of Energy's withdrawal of a final rule adopted in January 2017 expanding the types of lightbulbs subject to backstop energy conservation standards set to take effect in 2020.
New York v. National Highway Traffic Safety Administration	2d Cir.	Local/State Gov (States, City), NGO (Intl/Natl Env'tl)	NHTSA	Energy Policy and Conservation Act (EPCA), Energy Independence and Security Act (EISA), Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015	Vehicle Emissions & Fuels	Challenge to the reversal of an inflation adjustment to the civil penalty for violations of Corporate Average Fuel Economy standards.
New York v. National Highway Traffic Safety Administration	D.C. Cir.	Local/State Gov (States)	NHTSA	Clean Air Act (CAA)	Vehicle Emissions & Fuels	Challenge to final rule reducing penalties for violations of fuel economy standards
New York v. U.S. Department of Energy	2d Cir.	Local/State Gov (States, Cities)	DOE	Energy Policy and Conservation Act (EPCA), Energy Independence and Security Act (EISA)	Appliance, Industrial, and Building Standards	Challenge to the U.S. Department of Energy's withdrawal of a final rule adopted in January 2017 expanding the types of lightbulbs subject to backstop energy

						conservation standards set to take effect in 2020.
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Demanding Transparency & Scientific Integrity from the Trump Administration (2020)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
California Air Resources Board v. EPA	D.D.C.	Local/Regional Gov (State)	EPA, NHTSA	Freedom of Information Act (FOIA)	Gov. Records or Communications Request	Freedom of Information Act lawsuit seeking EPA records supporting determination that CARB's zero-emission vehicle regulations would not impact emissions of criteria pollutants or interfere with California's attainment of air quality standards.
Center for Biological Diversity v. U.S. Department of Energy	D.D.C.	NGO (Intl/Natl Envntl)	DOE	Freedom of Information Act (FOIA)	Gov. Records or Communications Request	Freedom of Information Act lawsuit seeking records related to the North American Energy Resilience Model project.
Western Organization of Resource Councils v. Brouillette	D. Mont.	NGO (Intl/Natl Envntl)	DOE	Federal Advisory Committee Act	Fossil Fuel Extraction, Processing, & Transport	Lawsuit challenging the U.S. Department of Energy's administration of the National Coal Council.

Demanding Transparency & Scientific Integrity from the Trump Administration (2019)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
California Air Resources Board v. EPA	D.D.C.	Local/State Gov (State)	EPA, NHTSA, DOT	Freedom of Information Act (FOIA)	Gov. Records or Communications Request	Freedom of Information Act lawsuit seeking information underlying proposed federal rollbacks of vehicle emission and fuel economy standards.
Center for Biological Diversity v. National Highway Traffic Safety Administration	D.D.C.	NGO (Intl/Natl Envntl)	NHTSA	Freedom of Information Act (FOIA)	Vehicle Emissions & Fuels	Freedom of Information Act lawsuit seeking records from the National Highway Traffic Safety Administration on the determination that vehicle standards rule did not require Endangered Species Act consultation.
Center for Biological Diversity v. National Oceanic & Atmospheric Administration	C.D. Cal.	NGO (Intl/Natl Envntl)	NOAA	Freedom of Information Act (FOIA)	Gov. Records or Communications Request	Freedom of Information Act lawsuit seeking records concerning denial of petition to list the climate change-threatened Pacific Bluefin tuna as threatened or endangered.
Democracy Forward Foundation v. National Oceanic & Atmospheric Administration	D.D.C.	NGO (Other)	NOAA	Freedom of Information Act (FOIA)	Gov. Records or Communications Request	Freedom of Information Act lawsuit seeking records regarding removal of acting administrator of National Oceanic and Atmospheric Administration.

U.S. Climate Change Litigation in the Age of Trump: Full Term

Environmental Defense Fund v. US Department of the Interior	D.D.C.	NGO (Intl/Natl Envntl)	DOI, NOAA, NASA	Freedom of Information Act (FOIA)	Gov. Records or Communications Request	Freedom of Information Act lawsuit seeking records related to establishment of a White House panel to review climate science.
Gwich'in Steering Committee v. US Dept of Interior	D. Alaska	NGO (Intl/Natl Envntl, Local)	DOI, BLM, FWS	Freedom of Information Act (FOIA)	Gov. Records or Communications Request	Freedom of Information Act lawsuit seeking documents in response to nine requests for federal agencies' records related to implementation of an oil and gas leasing program on the Coastal Plain of the Arctic National Wildlife Refuge.
Sierra Club v. EPA	D.D.C.	NGO (Intl/Natl Envntl)	EPA	Freedom of Information Act (FOIA)	Gov. Records or Communications Request	Freedom of Information lawsuit against EPA seeking records supporting EPA Administrator Andrew Wheeler's assertions about climate change in a March 2019 television interview.
Sierra Club v. U.S. Department of Interior	N.D. Cal.	NGO (Intl/Natl Envntl)	DOI	Freedom of Information Act (FOIA)	Gov. Records or Communications Request	Freedom of Information Act lawsuit seeking to compel the Department of Interior to update its searches for Interior officials' external communications.
Sierra Club v. U.S. Securities & Exchange Commission	N.D. Cal.	NGO (Intl/Natl Envntl)	SEC	Freedom of Information Act (FOIA)	Gov. Records or Communications Request	Freedom of Information Act lawsuit seeking external communications and internal records from the U.S. Securities and Exchange

						Commission regarding shareholder proposals on climate change, greenhouse gas emissions, and the Paris Agreement.
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Integrating Consideration of Climate Change into Environmental Review & Permitting (Jan 1-20, 2021)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
California v. Bernhardt	N.D. Cal.	Local/Regional Gov (States, City)	DOI, DOC, FWS, NMFS	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to final rules under the Endangered Species Act defining "habitat" and revising the regulations for designating critical habitat.
Clinch Coalition v. U.S. Forest Service	W.D. Va.	NGO (Intl/Natl Envntl, Local)	USFS, USDA, CEQ	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit challenging three categorical exclusions adopted by the U.S. Forest Service to exempt certain projects from NEPA review.

U.S. Climate Change Litigation in the Age of Trump: Full Term

Conservation Council for Hawai'i v. Bernhardt	D. Haw.	NGO (Intl/Natl Env'tl, Local)	DOI, FWS, DOC, NMFS	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to final rule defining "habitat" under the Endangered Species Act.
Environmental Integrity Project v. Wheeler	D.D.C.	NGO (Intl/Natl Env'tl, Local)	EPA	Clean Air Act (CAA)	Fossil Fuel Extraction, Processing, & Transport	Clean Air Act citizen suit seeking to compel EPA to respond to petitions requesting that EPA object to Title V permits issued by the Texas Commission on Environmental Quality for eight facilities.
New York v. Ross	S.D.N.Y.	Local/Regional Gov (State)	DOC, NOAA, NMFS	Administrative Procedure Act (APA), Magnuson-Stevens Act	Impacts on Climate, Land, Water, & Wildlife	Challenge to allocation of annual quota for summer flounder.
Western Watersheds Project v. Perdue	D. Ariz.	NGO (Intl/Natl Env'tl, Local)	USDA, USFS	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the U.S. Forest Service's authorization of livestock grazing on 270,000 acres in the Apache-Sitgreaves and Gila National Forests in Arizona and New Mexico

U.S. Climate Change Litigation in the Age of Trump: Full Term

WildEarth Guardians v. Bernhardt	D.D.C.	NGO (Intl/Natl Env'tl)	DOI, BLM	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to the environmental reviews for oil and gas leases in Colorado, New Mexico, Utah, and Wyoming.
WildEarth Guardians v. U.S. Bureau of Land Management	D. Mont.	NGO (Intl/Natl Env'tl, Local)	BLM, DOI	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Lawsuits challenging the U.S. Bureau of Land Management's oil and gas leases on public lands in Montana and North Dakota between July 2019 and September 2020.

Integrating Consideration of Climate Change into Environmental Review & Permitting (2020)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
Alaska Community Action on Toxics v. Council on Environmental Quality	N.D. Cal.	NGO (Intl/Natl Env'tl, Local), Individuals, Local/Regional Gov (States, Cities, Guam, County)	CEQ	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to amendments to the National Environmental Policy Act regulations

U.S. Climate Change Litigation in the Age of Trump: Full Term

Alatna Village Council v. Padgett	D. Alaska	Local/Regional Gov (Tribes)	BLM, DOI, USACE, NPS, DOT	National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Federal Land Policy and Management Act (FLPMA), Clean Water Act (CWA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to federal approvals of a 211-mile mining access road in Alaska.
Animal Legal Defense Fund v. Azar	N.D. Cal.	NGO (Intl/Natl Envntl)	DHHS, FDA	National Environmental Policy Act (NEPA)	Animal Feedlot Emissions	Challenge to the U.S. Food and Drug Administration's approval of a drug intended to reduce the amount of ammonia gas released from the waste produced by cows raised for beef.
AquAlliance v. U.S. Bureau of Reclamation	E.D. Cal.	NGO (Local), Local/Regional Gov (State)	US Bureau of Reclamation, DOI, Local/Regional Gov (Water Authority)	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA), Public Trust Doctrine	Impacts on Climate, Land, Water, & Wildlife	Challenge to environmental review and approval of a 2019-2024 water transfer program for the sale of water by sellers upstream of the Sacramento-San Joaquin Delta to buyers south of the Delta.

U.S. Climate Change Litigation in the Age of Trump: Full Term

Backcountry Against Dumps v. U.S. Bureau of Indian Affairs	E.D. Cal.	NGO (Local), Individuals	BIA, DOI	National Environmental Policy Act (NEPA), Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to authorization of a lease for development, construction, operation, and maintenance of renewable energy generation facilities, including 60 wind turbines.
Bold Alliance v. U.S. Department of the Interior	D. Mont.	NGO (Intl/Natl Envntl)	DOI, BLM, FWS	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to right-of-way and temporary use permit for Keystone XL to cross federal lands.
Buffalo Field Campaign v. Skipwith	D.D.C.	NGO (Intl/Natl Envntl, Local)	FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to denial of request for status review of distinct population segment of Yellowstone bison.
California v. Stout	C.D. Cal.	Local/Regional Gov (State)	DOI, BLM	National Environmental Policy Act (NEPA)	Fossil Fuel Extraction, Processing, & Transport	Lawsuit challenging the supplemental environmental impact statement prepared by the U.S. Bureau of Land Management for a resource management plan allowing hydraulic fracturing on federal lands in California.

U.S. Climate Change Litigation in the Age of Trump: Full Term

Center for Biological Diversity v. Bernhardt	D.D.C.	NGO (Intl/Natl Envntl, Local)	DOI, FWS, DOC, NOAA, NMFS	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit challenging failure to designate critical habitat for distinct population segments of green sea turtles.
Center for Biological Diversity v. Bernhardt	D. Ariz.	NGO (Intl/Natl Envntl, Local)	DOI, FWS, USFS	Endangered Species Act (ESA), National Forest Management Act (NFMA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit challenging federal defendants' failures to take actions to protect the endangered New Mexico meadow jumping mouse.
Center for Biological Diversity v. Bernhardt	D. Ariz.	NGO (Intl/Natl Envntl, Local)	DOI, FWS, US Army	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to biological opinions issued in connection with groundwater pumping by a U.S. Army base in southeastern Arizona.
Center for Biological Diversity v. Bernhardt	E.D. La.	NGO (Intl/Natl Envntl, Local)	DOI, FWS	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel the U.S. Fish and Wildlife Service to make a final determination on the proposed listing of the eastern black rail.
Center for Biological Diversity v. Bernhardt	N.D. Cal.	NGO (Intl/Natl Envntl, Local)	DOI, FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel the U.S. Fish and Wildlife Service to issue a final determination on the proposed listing of the Humboldt marten as a threatened species.

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Center for Biological Diversity v. Bernhardt	D. Mont.	NGO (Intl/Natl Envntl, Local)	DOI, BLM	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel a final listing determination on the distinct population segment of the North American wolverine.
Center for Biological Diversity v. Bernhardt	D.D.C.	NGO (Intl/Natl Envntl)	DOI, FWS	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit challenging the U.S. Fish and Wildlife Service's failure to determine whether eight species of Caribbean skink warrant protection under the Endangered Species Act.
Center for Biological Diversity v. Bernhardt	D. Ariz.	NGO (Intl/Natl Envntl, Local)	DOI, FWS	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Action to compel response to a petition to revise the critical habitat for Mount Graham red squirrel to include lower elevation mixed-conifer forest.
Center for Biological Diversity v. Federal Energy Regulatory Commission	D.C. Cir.	NGO (Intl/Natl Envntl)	FERC	National Environmental Policy Act (NEPA), Natural Gas Act	Fossil Fuel Extraction, Processing, & Transport	Challenge to Federal Energy Regulatory Commission approvals of the Alaska LNG Project, which includes a liquefied natural gas terminal in Alaska, an 807-mile gas pipeline, and other related infrastructure.

U.S. Climate Change Litigation in the Age of Trump: Full Term

Center for Biological Diversity v. U.S. Army Corps of Engineers	D.D.C.	NGO (Intl/Natl Envntl)	USACE	National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Clean Water Act (CWA), Rivers and Harbors Act, Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to Section 404 permit for new petrochemical plant on the Mississippi River in Louisiana.
Center for Biological Diversity v. U.S. Bureau of Land Management	C.D. Cal.	NGO (Intl/Natl Envntl, Local), Company (Patagonia), Individuals	DOI, BLM	National Environmental Policy Act (NEPA)	Fossil Fuel Extraction, Processing, & Transport	Lawsuit challenging the supplemental environmental impact statement prepared by the U.S. Bureau of Land Management for a resource management plan allowing hydraulic fracturing on federal lands in California.
Center for Biological Diversity v. U.S. Bureau of Land Management	C.D. Cal.	NGO (Intl/Natl Envntl, Local)	DOI, BLM	National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to approval of an application for a permit to drill in connection with a new well and pipeline within the Carrizo Plain National Monument in California.

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Center for Biological Diversity v. U.S. Bureau of Reclamation	E.D. Cal.	NGO (Intl/Natl Envntl, Local)	Bureau of Reclamation, DOI	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit charging that the conversion of Central Valley Project “renewal contracts” into “permanent repayment contracts” was a major federal action that required compliance with NEPA.
Center for Community Action & Environmental Justice v. Federal Aviation Administration	9th Cir.	Local/Regional Gov Entity (State); NGO (Intl/Natl Envntl, Local)	FAA, Local/Regional Gov Entity (County Airport Authority); Company (Developer)	National Environmental Policy Act (NEPA)	Vehicle Emissions & Fuels	Challenge to the Federal Aviation Administration's environmental review for an air cargo facility in southern California.
Citizens for a Healthy Community v. U.S. Bureau of Land Management	D. Colo.	NGO (Intl/Natl Envntl, Local)	BLM, DOI	National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to the U.S. Bureau of Land Management's approval of a revised Resource Management Plan for the Uncompahgre Field Office that expanded lands available to oil and gas leasing.
Cottonwood Environmental Law Center v. Marten	D. Mont.	NGO (Local)	USFS	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit alleging violations of the National Environmental Policy Act for failure to prepare supplemental analyses of national forest plans and projects in light of new information about climate change.

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Defenders of Wildlife v. U.S. Army Corps of Engineers	S.D. Miss.	NGO (Intl/Natl Envntl, Local)	USACE, Miss. River Commission	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit alleging that consultation under the Endangered Species Act was required for the ongoing operations of the Bonnet Carré Spillway.
Delaware Riverkeeper Network v. U.S. Army Corps of Engineers	D.N.J.	NGO (Local)	USACE	National Environmental Policy Act (NEPA), Clean Air Act (CAA), Clean Water Act (CWA), Rivers and Harbors Act, Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to permits issued by the U.S. Army Corps of Engineers for a docking facility in New Jersey to transport liquefied natural gas (LNG) to docked vessels.
Diné Citizens Against Ruining Our Environment v. U.S. Bureau of Land Management	D.N.M.	NGO (Intl/Natl Envntl, Local)	BLM, DOI	National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to authorization and issuance of oil and gas leases on 30 parcels covering nearly 41,000 acres of land in the San Juan Basin in New Mexico.
Environmental Defense Fund v. Federal Energy Regulatory Commission	D.C. Cir.	NGO (Intl/Natl Envntl), Individual	FERC	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to certificate of public convenience and necessity for construction and operation of an interstate gas pipeline project in Illinois and Missouri.

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Evans v. Federal Energy Regulatory Commission	D.C. Cir.	NGO (Intl/Natl Envntl, Local), Local/Regional Gov (Tribes), Individuals	FERC	National Environmental Policy Act (NEPA), Natural Gas Act	Fossil Fuel Extraction, Processing, & Transport	Challenge to Federal Energy Regulatory Commission orders authorizing the Jordan Cove liquefied natural gas export terminal and related infrastructure.
Food & Water Watch v. Federal Energy Regulatory Commission	D.C. Cir.	NGO (Intl/Natl Envntl, Local)	FERC	National Environmental Policy Act (NEPA), Natural Gas Act	Fossil Fuel Extraction, Processing, & Transport	Challenge to Federal Energy Regulatory Commission authorization of construction and operation of the 261 Upgrade Project, a set of projects in southern Massachusetts to increase transportation capacity on the existing Tennessee Gas Pipeline system.
Friends of the Earth v. U.S. Nuclear Regulatory Commission	D.C. Cir.	NGO (Intl/Natl Envntl, Local)	Nuclear Regulatory Comm.	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Power Plants, Renewables, & Energy Efficiency	Challenge to license renewals for the Turkey Point nuclear generating station in Florida.
Gwich'in Steering Committee v. Bernhardt	D. Alaska	Local/Regional Gov (Tribes), NGO (Intl/Natl Envntl, Local)	BLM, DOI, FWS	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Administrative Procedure Act (APA), Tax Cuts and Jobs Act of 2017, National Wildlife Refuge System	Fossil Fuel Extraction, Processing, & Transport	Challenge to federal review and approval of an oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge.

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				Administration Act, Wilderness Act		
Indigenous Environmental Network v. U.S. Bureau of Land Management	D. Mont.	NGO (Intl/Natl Envntl)	BLM, USACE, Dept. of State, FWS, President Trump	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Mineral Leasing Act (MLA), Federal Land Policy and Management Act (FLPMA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to federal actions authorizing the Keystone XL pipeline project.
Missouri v. U.S. Department of the Interior–Bureau of Reclamation	W.D. Mo.	Local/Regional Gov (State)	DOI, USACE, US Army	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to federal defendants' environmental review for the Central North Dakota Water Supply Project.
Monroe County Board of Commissioners v. U.S. Forest Service	S.D. Ind.	Local/Regional Gov (County), NGO (Local), Individual	USFS	National Environmental Policy Act (NEPA), National Forest Management Act (NFMA), Administrative Procedure Act	Impacts on Climate, Land, Water, & Wildlife	Challenge to the U.S. Forest Service's approval of a vegetation management and restoration project in the Hoosier National Forest.

				(APA)		
National Association for the Advancement of Colored People Erie Unit 2262 v. Federal Highway Administration	W.D. Pa.	NGO (Natl, Local)	Fed. Highway Admin, State Gov (PA DOT)	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA), Federal Aid Highway Act	Impacts on Climate, Land, Water, & Wildlife	Challenge to the Bayfront Parkway Project in the City of Erie, for which the Federal Highway Administration approved a categorical exclusion.
National Audubon Society v. Bernhardt	S.D.N.Y	NGO (Intl/Natl Envntl)	DOI, FWS	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA), Coastal Barrier Resources Act	Impacts on Climate, Land, Water, & Wildlife	Challenge to Department of Interior rule that allegedly would expand sand mining projects in coastal barriers.
National Audubon Society v. Bernhardt	D. Alaska	NGO (Intl/Natl Envntl, Local)	DOI, BLM	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA), Naval Petroleum Reserves Production Act	Fossil Fuel Extraction, Processing, & Transport	Challenge to the environmental impact statement (EIS) for a revision to the Integrated Activity Plan for the National Petroleum Reserve–Alaska that would open approximately 6.7 million acres of the Reserve to oil and gas development.

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National Wildlife Federation v. U.S. Army Corps of Engineers	S.D. Ill.	NGO (Intl/Natl Envntl)	USACE	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA), Water Resources Development Act, Fish and Wildlife Coordination Act, 1927 Rivers and Harbors Act	Impacts on Climate, Land, Water, & Wildlife	Lawsuit asserting that the U.S. Army Corps of Engineers failed to conduct an adequate environmental review for activities intended to maintain a nine-foot deep navigation channel in the Middle Mississippi River Reach of the Mississippi River.
Natural Resources Defense Council, Inc. v. Oliver	D.D.C.	NGO (Intl/Natl Envntl, Local)	NMFS, NOAA, DOC	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the National Marine Fisheries Service's decision not to list alewife or blueback herring as threatened species under the Endangered Species Act.
North Slope Borough v. Ross	D. Alaska	Local/Regional Gov (Borough, Tribe), Corporation (North Slope Regional Corp)	DOC, NMFS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel action on a petition to delist the Arctic ringed seal under the Endangered Species Act.
Northern Alaska Environmental Center v. Bernhardt	D. Alaska	NGO (Intl/Natl Envntl, Local)	DOI, FWS, USACE, NPS, Coast Guard	National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), Clean Water Act (CWA), Administrative	Impacts on Climate, Land, Water, & Wildlife	Challenge to federal approvals for a 211-mile road through the southern Brooks Range and Gates of the Arctic National Park and Preserve to provide access to a mining district.

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				Procedure Act (APA), Alaska National Interest Lands Conservation Act		
Optimus Steel, LLC v. U.S. Army Corps of Engineers	E.D. Tex.	Company (Steel)	USACE, Company (Fossil Fuel)	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Clean Water Act (CWA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Lawsuit brought by steel mill owner to challenge the reauthorization and reissuance of Nationwide Permit 12 (NWP-12) as well as the approval of a natural gas pipeline under NWP-12.
Organized Village of Kake v. Perdue	D. Alaska	Local/Regional Gov (Tribes), NGO (Intl/Natl Envntl, Local)	USDA, USFS	National Environmental Policy Act (NEPA), National Forest Management Act (NFMA), Forest Service Organic Act, Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to final rule exempting the Tongass National Forest in Alaska from the Roadless Area Conservation Rule.
Red Lake Band of Chippewa Indians v. U.S. Army Corps of Engineers	D.D.C	Local/Regional Gov (Tribes) NGO (Intl/Natl Envntl, Local)	USACE	National Environmental Policy Act (NEPA), Clean Water Act (CWA), Rivers and Harbors Act, Administrative	Fossil Fuel Extraction, Processing, & Transport	Challenge to U.S. Army Corps of Engineers authorizations for Line 3 pipeline project in Minnesota.

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				Procedure Act (APA))		
Rosebud Sioux Tribe v. U.S. Department of the Interior	D. Mont.	Local/Regional Gov (Tribes)	DOI, BLM	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA), Treaties (1851 Fort Laramie Treaty, 1855 Lame Bull Treaty, 1868 Fort Laramie Treaty)	Fossil Fuel Extraction, Processing, & Transport	Challenge to right-of-way granted for the Keystone XL Pipeline.
Safe Skies Clean Water Wisconsin, Inc. v. National Guard Bureau	W.D. Wis.	NGO (Local)	National Guard Bureau	National Environmental Policy Act (NEPA))	Impacts on Climate, Land, Water, & Wildlife	Challenge to the environmental review for construction and demolition projects at the Wisconsin Air National Guard's 115th Fighter Wing Installation at a regional airport in Madison.
Shoshone-Bannock Tribes of Fort Hall Reservation v. Hammond	D. Idaho	Local/Regional Gov (Tribes)	DOI, BLM	National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the U.S. Department of Interior's approval of a land exchange to facilitate expansion of phosphogypsum stacks located on a Superfund site.

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Shrimpers and Fishermen of the RGV v. U.S. Army Corps of Engineers	5th Cir.	Trade Group, NGO (Intl/Natl Envntl, Local)	USACE	Clean Water Act (CWA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to Section 404 permit for liquefied natural gas terminal in Texas.
Sierra Club v. National Marine Fisheries Service	D. Md.	NGO (Intl/Natl Envntl, Local)	NMFS, NOAA	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to programmatic biological opinion governing oil and gas activities in the Gulf of Mexico.
Sierra Club v. U.S. Army Corps of Engineers	1st Cir.	NGO (Intl/Natl Envntl, Local)	USACE	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Power Plants, Renewables, & Energy Efficiency	Challenge to environmental review for proposed construction of 171.4 miles of electrical transmission lines and related facilities in Maine intended to carry electricity for fulfillment of clean energy contracts with State of Massachusetts.
Sierra Club v. U.S. Department of Transportation	D.C. Cir.	NGO (Intl/Natl Envntl, Local), Local/Regional Gov (Tribes, States, City)	DOT, PHMSA	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA), Hazardous Materials Transportation Act	Fossil Fuel Extraction, Processing, & Transport	Challenge to Pipeline and Hazardous Materials Safety Administration regulations authorizing transport of liquefied natural gas by rail.

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Sierra Forest Legacy v. U.S. Fish & Wildlife Service	N.D. Cal.	NGO (Intl/Natl Envntl, Local)	FWS	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the determination that the California spotted owl did not warrant protection under the Endangered Species Act.
Southern Utah Wilderness Alliance v. Bernhardt	D.D.C.	NGO (Intl/Natl Envntl, Local)	DOI, BLM	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Lawsuit challenging the sale and issuance of an oil and gas lease in southeastern Utah, as well as the approval of development of the lease and the decision to abandon master planning for area where lease was located.
Sovereign Inupiat for a Living Arctic v. Bureau of Land Management	D. Alaska	NGO (Intl/Natl Envntl, Local)	BLM, FWS, DOI	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenges to approval of a development plan for major oil and gas development in the National Petroleum Reserve-Alaska.
Vecinos para el Bienestar de la Comunidad Costera v. Federal Energy Regulatory Commission	D.C. Cir.	NGO (Intl/Natl Envntl, Local)	FERC	National Environmental Policy Act (NEPA), Natural Gas Act	Fossil Fuel Extraction, Processing, & Transport	Challenge to Federal Energy Regulatory Commission authorization of liquefied natural gas terminal on the Gulf Coast and a related pipeline system.

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Vecinos para el Bienestar de la Comunidad Costera v. Federal Energy Regulatory Commission	D.C. Cir.	NGO (Intl/Natl Envntl, Local)	FERC	National Environmental Policy Act (NEPA), Natural Gas Act	Fossil Fuel Extraction, Processing, & Transport	Challenge to FERC authorization of liquefied natural gas terminal in Texas.
Washington v. Bernhardt	D. Alaska	Local/Regional Gov (States)	DOI, BLM	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA), Tax Cuts and Jobs Act of 2017, National Wildlife Refuge System Administration Act	Fossil Fuel Extraction, Processing, & Transport	Lawsuit challenging federal defendants' approval of an oil and gas leasing program on the Coastal Plain of the Arctic National Wildlife Refuge.
Western Organization of Resource Councils v. U.S. Bureau of Land Management	D. Mont.	NGO (Intl/Natl Envntl, Local)	BLM, Local/Regional Gov (State)	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to resource management plan amendments for federal lands in the Powder River Basin in Montana and Wyoming.
Western Slope Conservation Center v. U.S. Bureau of Land Management	D. Colo.	NGO (Intl/Natl Envntl, Local)	DOI, BLM	National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to the U.S. Bureau of Land Management's approval of a resource management plan that opened land in western Colorado to oil and gas leasing.

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WildEarth Guardians v. Bernhardt	D.D.C.	NGO (Intl/Natl Envntl)	DOI, BLM	National Environmental Policy Act (NEPA)	Fossil Fuel Extraction, Processing, & Transport	Lawsuit challenging approval of oil and gas leases in five western states.
WildEarth Guardians v. Bernhardt	D.D.C.	NGO (Intl/Natl Envntl)	DOI, FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel final determinations on petitions to list five aquatic species under the Endangered Species Act.
WildEarth Guardians v. Mountain Coal Co.	D. Colo.	NGO (Intl/Natl Envntl, Local)	Company (Coal)	Clean Air Act (CAA)	Fossil Fuel Extraction, Processing, & Transport	Citizen suit asserting that coal mine required air permits.
WildEarth Guardians v. Skipwith	D. Mont.	NGO (Intl/Natl Envntl, Local)	FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel compliance with a court order remanding a critical habitat rule for the Canada lynx in the United States.

Integrating Consideration of Climate Change into Environmental Review & Permitting (2019)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
350 Montana v. Bernhardt	D. Mont.	NGO (Intl/Natl Envntl, Local)	DOI	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to environmental review for expansion of underground coal mine.
Alliance for the Wild Rockies v. U.S. Forest Service	E.D. Wash.	NGO (Local)	USFS, FWS	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), National Forest Management Act (NFMA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to U.S. Forest Service restoration project in Washington.
Buffalo Field Campaign v. Bernhardt	D.D.C.	NGO (Intl/Natl Envntl, Local)	DOI, FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Action to compel the U.S. Fish and Wildlife Service to take action in response to list the Yellowstone bison as an endangered or threatened distinct population segment of plains bison.

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California Natural Resources Agency v. Ross	E.D. Cal.	Local/Regional Gov (State); NGO (Intl/Natl Envntl, Local), Trade Group (Fishermen)	DOC, DOI, NMFS, FWS, Bureau of Reclamation	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to biological opinions for long-term operations of two major water diversion projects in California.
Center for Biological Diversity v. Bernhardt	N.D. Cal.	NGO (Intl/Natl Envntl, Local)	DOI, FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit challenging the U.S. Fish and Wildlife Service's failure to protect eight species under the Endangered Species Act.
Center for Biological Diversity v. Bernhardt	D.D.C.	NGO (Intl/Natl Envntl)	DOI, FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel the Secretary of the Interior and the U.S. Fish and Wildlife Service to take action under the Endangered Species Act with respect to 24 species.
Center for Biological Diversity v. Bernhardt	D. Idaho	NGO (Intl/Natl Envntl, Local)	DOI, FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Plaintiffs Withdrew Lawsuit After Climate Change-Threatened Caribou Listed as Endangered.

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Center for Biological Diversity v. Bernhardt	S.D. Fla.	NGO (Intl/Natl Envntl)	DOI, FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to U.S. Fish and Wildlife Service decision not to list the Florida Keys mole skink under the Endangered Species Act.
Center for Biological Diversity v. Bernhardt	D. Haw.	NGO (Intl/Natl Envntl)	DOI, FWS	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel the designation of critical habitat for 14 species of plants and animals from the island of Hawai'i that were listed as endangered in 2013.
Center for Biological Diversity v. Bernhardt	D.D.C.	NGO (Intl/Natl Envntl)	DOI, FWS	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Action to compel a listing determination under the Endangered Species Act for the emperor penguin.
Center for Biological Diversity v. Bernhardt	D. Colo.	NGO (Intl/Natl Envntl, Local)	DOI, BLM	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to BLM's approval of a resource management plan in western Colorado that applied to 1,061,400 acres of BLM-administered surface land and 1,231,200 acres of BLM-managed federal mineral estate and made 935,600 acres available for oil and gas.

U.S. Climate Change Litigation in the Age of Trump: Full Term

Center for Biological Diversity v. EPA	N.D. Cal.	NGO (Intl/Natl Envntl)	EPA	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to Safe Drinking Water Act exemption that would allegedly allow injection of oil and gas wastewater and other fluids in oil field in San Luis Obispo County in California.
Center for Biological Diversity v. EPA	9th Cir.	NGO (Intl/Natl Envntl, Local)	EPA	Clean Air Act (CAA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to prevention of significant deterioration air permit for natural gas-fired power plant in Palmdale, California.
Center for Biological Diversity v. Ross	D.D.C.	NGO (Intl/Natl Envntl)	DOC, NOAA, NMFS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel the designation of critical habitat for threatened coral species.
Center for Biological Diversity v. Ross	D. Alaska	NGO (Intl/Natl Envntl)	DOC, NOAA, NMFS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit asserting that the National Marine Fisheries Service violated the Endangered Species Act by failing to designate critical habitat for ringed and bearded seals.

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Center for Biological Diversity v. Suazo	D. Ariz.	NGO (Intl/Natl Envntl)	DOI, BLM	National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), Federal Land and Policy Management Act (FLPMA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to issuance of federal oil and gas leases.
Center for Biological Diversity v. U.S. Army Corps of Engineers	S.D. Fla.	NGO (Intl/Natl Envntl, Local)	USACE, DOI, NOAA, NMFS, FWS	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the management of Lake Okeechobee under the Lake Okeechobee Regulation Schedule (LORS).
Center for Biological Diversity v. US Bureau of Land Management	N.D. Cal.	NGO (Intl/Natl Envntl)	BLM, DOI	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to BLM's approval of a resource management plan amendment for a planning area that included California's Bay Area and Central coast that would make 725,500 acres available for oil and gas leasing.
Center for Biological Diversity v. US Department of the Interior	D. Utah	NGO (Intl/Natl Envntl, Local)	DOI, Bureau of Reclamation	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the U.S. Bureau of Reclamation's issuance of a contract allowing new water extractions from the Green River.

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Center for Biological Diversity v. US Fish & Wildlife Service	S.D. Fla.	NGO (Intl/Natl Envntl)	FWS, DOI	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Case challenging the Secretary of the Interior's decision not to list the Florida Keys mole skink as endangered or threatened under the Endangered Species Act.
Center for Biological Diversity v. US Fish & Wildlife Service	D. Ariz.	NGO (Intl/Natl Envntl, Local)	DOI, FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel a listing determination on the Arizona eryngo, a plant species.
Columbia Riverkeeper v. U.S. Army Corps of Engineers	W.D. Wash.	NGO (Intl/Natl Envntl, Local)	USACE, NOAA, NMFS	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Clean Water Act (CWA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to U.S. Corps of Engineers issuance of a Section 404 permit for a maritime export terminal associated with a proposed methanol facility in Washington on the Columbia River.
Cook Inletkeeper v. Ross	D. Alaska	NGO (Intl/Natl Envntl, Local)	DOC, NMFS	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Marine Mammal Protection Act (MMPA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to incidental take regulations authorizing take of 11 species of marine mammals in connection with oil and gas exploration and development activities.

U.S. Climate Change Litigation in the Age of Trump: Full Term

Dine Citizens Against Ruining the Environment v. Bernhardt	D.N.M.	NGO (Intl/Natl Envntl, Local)	DOI, BLM	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to approvals of application for permits to drill in the Mancos Shale/Gallup formations.
Earth Island Institute v. Nash	N.D. Cal.	NGO (Intl/Natl Envntl, Local), Individual	HUD, USFS, Local/State Gov (State)	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA), Disaster Relief Appropriations Act of 2013	Power Plants, Renewables, & Energy Efficiency	Challenge to federal and state authorizations for a logging project and biomass power plant on public forestland burned during the Rim Fire in 2013.
Farm Sanctuary v. US Dept. of Agriculture	W.D.N.Y.	NGO (Intl/Natl Envntl, Local)	USDA, Food Safety & Inspection Service	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA), Federal Meat Inspection Act; Humane Methods of Slaughter Act	Animal Feedlot Emissions	Lawsuit challenging the U.S. Department of Agriculture's final rule establishing an optional new inspection system for hog slaughter establishments, including the failure to consider the rule's environmental impacts.

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Friends of Cedar Mesa v. US Dept. of Interior	D. Utah	NGO (local)	DOI, BLM	National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to oil and gas lease sales covering more than 54,000 acres in southeastern Utah.
Healthy Gulf v. Bernhardt	D.D.C.	NGO (Intl/Natl Envntl)	DOI, BOEM	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to federal defendants' decision to hold oil and gas lease sale in the Gulf of Mexico.
Hosemann v. U.S. Army Corps of Engineers	S.D. Miss.	Local/Regional Gov (State)	USACE	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit alleging that opening of spillway on Mississippi occurred without sufficient consideration of environmental impacts to the Mississippi Sound and Mississippi Public Trust.
In re Southern Utah Wilderness Alliance	IBLA	NGO (Intl/Natl Envntl, Local)	DOI, BLM	National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to vegetation management plan on BLM-administered lands in southern Utah.

U.S. Climate Change Litigation in the Age of Trump: Full Term

Indigenous Environmental Network v. Trump	D. Mont.	NGO (Intl/Natl Envntl)	President Trump, Dept. of State; USACE, FWS BLM, DOI	Commerce Clause, Property Clause	Fossil Fuel Extraction, Processing, & Transport	Challenge to President Trump's revocation of the presidential permit for the Keystone XL pipeline, issuance of a new presidential permit, and authorization of the balance of the 875-mile project in the U.S.
Klamath-Siskiyou Wildlands Center v U.S. Bureau of Land Management	D. Or.	NGO (Local)	BLM, DOI	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the U.S. Bureau of Land Management's approval of the first project prepared by the Lakeview District in the Klamath Falls Resource Area in Oregon under a 2016 resource management plan.
Ksanka Kupaqa Xa'təin v. U.S. Fish & Wildlife Service	D. Mont.	NGO (Intl/Natl Envntl, Local)	FWS, USFS	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit alleging that agencies violated the Endangered Species Act when they approved a silver and copper mine project in Montana in one of the last remaining undisturbed habitats in the region for the threatened grizzly bear and bull trout.
Little Rock Downtown Neighborhood Association, Inc. v. Federal Highway Administration	E.D. Ark.	NGO (local), Individuals	FHA, DOT, Local/Regional Gov (State)	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Resilient Infrastructure & Development	Challenge to environmental review for an Arkansas highway project.

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Living Rivers v. Bernhardt	D. Utah	NGO (Intl/Natl Envtl, Local)	DOI, BLM, FWS	Endangered Species Act (ESA), Natl Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Lawsuit challenging approval of rights-of-way for construction and operation of commercial- scale oil-shale mine and processing plant.
Living Rivers v. Hoffman	D. Utah	NGO (Intl/Natl Envtl, Local)	DOI, BLM	Natl Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to 130 oil and gas lease sales on public land in Utah for failure to consider indirect and cumulative greenhouse gas emissions and climate change impacts.
Lower San Pedro Watershed Alliance v. Barta	D. Ariz.	NGO (Intl/Natl Envtl, Local)	USACE, FWS	Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Clean Water Act (CWA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the Section 404 permit for a master-planned community in Arizona.
Montana Environmental Information Center v. Bernhardt	D. Mont.	NGO (Intl/Natl Envtl, Local)	DOI, Office of Surface Mining)	National Environmental Policy Act (NEPA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to federal approval of expansion of a coal strip-mine in Montana.

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Natural Resources Defense Council v. McCarthy	D. Utah	NGO (Intl/Natl Envntl, Local)	BLM, DOI	National Environmental Policy Act (NEPA)	Impact on Climate, Land, Water, & Wildlife	Challenge to opening of public lands in Utah to off-highway vehicle use.
Natural Resources Defense Council v. Ross	D.D.C.	NGO (Intl/Natl Envntl)	DOC, NMFS, NOAA	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel final listing determination under the Endangered Species Act for the Gulf of Mexico whale.
Natural Resources Defense Council, Inc. v. Bernhardt	D.D.C.	NGO (Intl/Natl Envntl)	DOI, FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to U.S. Fish and Wildlife Service's failure to designate critical habitat for the rusty patched bumble bee.
New York v. Ross	E.D.N.Y.	Local/State Gov (State)	DOC, NOAA, NMFS	Administrative Procedure Act (APA), Magnuson-Stevens Act	Impacts on Climate, Land, Water, & Wildlife	Challenge to 2019 allocation for summer flounder fishery.

U.S. Climate Change Litigation in the Age of Trump: Full Term

New York v. Ross	S.D.N.Y.	Local/State Gov (State)	DOC, NOAA, NMFS	Administrative Procedure Act (APA), Magnuson-Stevens Act	Impacts on Climate, Land, Water, & Wildlife	Challenge by New York State to 2020-2021 specifications for the summer flounder fishery, including a total annual commercial summer flounder quota and a state-by-state allocation of that quota based on a 1993 allocation rule.
North Carolina Wildlife Federation v. North Carolina Department of Transportation	E.D.N.C.	NGO (Local)	DOT, Local/Regional Gov (State),	Natl Environmental Policy Act (NEPA)	Resilient Infrastructure & Development	Challenge to toll bridge in the Currituck Outer Banks in North Carolina.
Northern Plains Resource Council v. US Army Corps of Engineers	U.S.	NGO (Intl/Natl Envntl, Local)	USACE	Natl Environmental Policy Act (NEPA), Clean Water Act (CWA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to U.S Army Corps of Engineers approval of Keystone XL pipeline project under the reissued Nationwide Permit 12 for pipeline and utility projects.
Oregon Natural Desert Association v. Hanley	D. Or.	NGO (Intl/Natl Envntl, Local)	BLM, DOI	National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit challenging BLM's March 2019 decision to reverse portions of the 2015 conservation plan for the greater sage-grouse in Oregon by closing approximately 22,000 acres to livestock grazing.

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Rocky Mountain Wild v. Bernhardt	D. Utah	NGO (Intl/Natl Envntl, Local)	DOI, BLM	Natl Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), Administrative Procedure Act (APA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to the U.S. Bureau of Land Management's decisions to issue 59 oil and gas leases covering 61,910.92 acres in northeast Utah.
Save the Bull Trout v. Everson	D. Mont.	NGO (Local)	FWS, DOI	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the Bull Trout Recovery Plan approved by the U.S. Fish and Wildlife Service in 2015.
Save the Colorado v. U.S. Department of the Interior	D. Ariz.	NGO (Intl/Natl Envntl, Local)	DOI	National Environmental Policy Act (NEPA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the U.S. Department of the Interior's December 2016 plan for managing the Glen Canyon Dam for failing to consider climate change impacts.
Save the Scenic Santa Ritas v. U.S. Army Corps of Engineers	D. Ariz.	NGO (Intl/Natl Envntl, Local), Local/Regional Gov (Tribes)	USACE	Clean Air Act (CAA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to Section 404 permit for copper mine site.

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Swomley v. Schroyer	D. Colo.	Individuals	USFS	National Environmental Policy Act (NEPA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to U.S. Forest Service's approval of a timber project authorizing logging on 1,631 acres in the White River National Forest in Colorado.
United States Sugar Corp. v. Semonite	S.D. Fla.	Industry (Company)	USACE	National Environmental Policy Act (NEPA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to U.S. Army Corps of Engineers releases from Lake Okeechobee in Florida.
Utah Physicians for a Healthy Environment v. U.S. Bureau of Land Management	D. Utah	NGO (Intl/Natl Envntl, Local)	DOI, BLM	National Environmental Policy Act (NEPA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to federal coal lease sale near Bryce Canyon National Park.
Western Watersheds Project v. Bernhardt	D. Or.	NGO (Intl/Natl Envntl)	DOI, BLM	National Environmental Policy Act (NEPA), Taylor Grazing Act, Federal Land Policy & Management Act (FLPMA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to renewal of grazing permits.

U.S. Climate Change Litigation in the Age of Trump: Full Term

WildEarth Guardians v. Bernhardt	10th Cir. (from D. Colo.)	NGO (Intl/Natl Envntl, Local)	DOI, OSMRE	National Environmental Policy Act (NEPA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to federal approval of mining plan for expansion of coal mine in western Colorado.
WildEarth Guardians v. Bernhardt	E.D. Cal.	NGO (Intl/Natl Envntl)	DOI, FWS	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel response to list the Joshua tree as a threatened species.
WildEarth Guardians v. Bernhardt	10 th Cir. (from D.N.M.)	NGO (Intl/Natl Envntl)	DOI, BLM	National Environmental Policy Act (NEPA), Federal Land Policy & Management Act (FLPMA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to 210 oil and gas leases covering 68,232.94 acres of land in New Mexico.
WildEarth Guardians v. Bernhardt	D. Ariz.	NGO (Intl/Natl Envntl)	DOI, FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the U.S. Fish and Wildlife’s decision that listing of the Sonoran desert tortoise under the Endangered Species Act was “not warranted.”

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WildEarth Guardians v. Bernhardt	C.D. Cal.	NGO (Intl/Natl Envntl)	DOI, FWS	Endangered Species Act (ESA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the U.S. Fish and Wildlife Service's decision not to list the Joshua tree as a threatened species.
WildEarth Guardians v. Steele	D. Mont.	NGO (Intl/Natl Envntl, Local)	USFS, FWS	Endangered Species Act (ESA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to the revision of the Flathead National Forest Land Management Plan in northwestern Montana, including for failing to consider or account for impacts of climate change on grizzly bears and their impact.

Advancing and Enforcing Climate Protections (Jan 1-20, 2021)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
California v. EPA	D.C. Cir.	Local/Regional Gov (States, City), NGO (Intl/Natl Env'tl, Local)	EPA	Clean Air Act (CAA)	Vehicle Emissions & Fuels	Challenge to aircraft greenhouse gas standards adopted by EPA.

Advancing and Enforcing Climate Protections (2020)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
Adorers of the Blood of Christ v. Transcontinental Gas Pipe Line Co.	E.D. Pa.	NGO (Local), Individuals	Company (Fossil Fuel)	Religious Freedom Restoration Act (RFRA)	Fossil Fuel Co. Liability	Lawsuit brought by a religious order and individual members seeking damages from a pipeline company for burdening their religious beliefs regarding the sacredness of God's creation by constructing a pipeline across the order's property.

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Beyond Pesticides v. Exxon Mobil Corp.	D.D.C.	NGO (Intl/Natl Envntl)	Company (Fossil Fuel)	Local Law (District of Columbia Consumer Protection Procedures Act)	Climate Misinformation & Disclosures	Lawsuit asserting that Exxon Mobil Corporation's representations regarding its investment in clean energy violated D.C. Consumer Protection Procedures Act.
City & County of Honolulu v. Sunoco LP	9th Cir.	Local/Regional Gov (City, County)	Company (Fossil Fuel)	State Law (Nuisance, Negligence, Trespass, Strict Liability)	Fossil Fuel Co. Liability	Lawsuit seeking damages and other relief from fossil fuel companies for alleged conduct that the City and County of Honolulu contends actually and proximately caused climate change impacts.
City of Charleston v. Brabham Oil Co.	S.C. Ct. Com.	Local/Regional Gov (City)	Companies (Fossil Fuel)	State Law (Nuisance, Negligence, Strict Liability, South Carolina Unfair Trade Practices Act), Maritime Law (Trespass)	Fossil Fuel Co. Liability	Lawsuit seeking to hold fossil fuel companies liable for the impacts of climate change on the City of Charleston.
City of Hoboken v. Exxon Mobil Corp.	D.N.J.	Local/Regional Gov (City)	Companies (Fossil Fuel)	State Law (Nuisance, Negligence, Trespass, New Jersey Consumer Fraud Act)	Fossil Fuel Co. Liability	Lawsuit seeking to recover climate change-related damages allegedly resulting from the defendant energy companies' production of fossil fuels and concealment of fossil fuels' harms.

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Connecticut v. Exxon Mobil Corporation	D. Conn.	Local/Regional Gov (State)	Company (Fossil Fuel)	State Law (Connecticut Unfair Trade Practices Act)	Climate Misinformation & Disclosures	Lawsuit seeking to hold Exxon Mobil Corporation liable for violation of the Connecticut Unfair Trade Practices Act in connection with alleged deceptive acts to create uncertainty about climate science.
County of Maui v. Sunoco LP	D. Haw.	Local/Regional Gov (County)	Companies (Fossil Fuel)	State Law (Nuisance, Negligence, Trespass, Strict Liability)	Fossil Fuel Co. Liability	Lawsuit brought by County of Maui against fossil fuel companies to hold them liable for the impacts of climate change on Maui.
Delaware v. BP America Inc.	D. Del.	Local/Regional Gov (State)	Companies (Fossil Fuel)	State Law (Nuisance, Negligence, Trespass, Delaware Consumer Fraud Act)	Fossil Fuel Co. Liability	Lawsuit seeking to hold the fossil fuel industry liable for the physical, environmental, social, and economic consequences of climate change in Delaware.
District of Columbia v. Exxon Mobil Corp.	D.D.C.	Local/Regional Gov (City)	Companies (Fossil Fuel)	Local Law (District of Columbia Consumer Protection Procedures Act)	Climate Misinformation & Disclosures	Lawsuit filed by the District of Columbia against oil and gas companies for allegedly violating the Consumer Protection Procedures Act by misleading consumers about “the central role their products play in causing climate change.”

U.S. Climate Change Litigation in the Age of Trump: Full Term

Natural Resources Defense Council v. Brouillette	S.D.N.Y.	NGO (Intl/Natl Envntl, Local)	DOE	Energy Policy and Conservation Act (EPCA)	Appliance, Industrial, and Building Standards	Lawsuit asking the court to set an enforceable schedule for the U.S. Department of Energy to review and amend energy efficiency standards for 25 consumer and commercial products.
Natural Resources Defense Council v. Federal Energy Regulatory Commission	D.C. Cir.	NGO (Intl/Natl Envntl)	FERC	Federal Power Act	Power Plants, Renewables, & Energy Efficiency	Challenge to FERC order requiring application of "buyer-side mitigation" rules to demand response resources in New York capacity market.
Natural Resources Defense Council v. U.S. Department of Energy	D.C. Cir.	NGO (Intl/Natl Envntl, Local)	DOE	Energy Policy and Conservation Act (EPCA), Energy Independence and Security Act (EISA)	Appliance, Industrial, and Building Standards	Challenge to the U.S. Department of Energy's December 2019 final rule concerning energy conservation standards for general service incandescent lamps.
New York v. Brouillette	S.D.N.Y.	NGO (Intl/Natl Envntl), Local/Regional Gov (States, Cities)	DOE	Energy Policy and Conservation Act (EPCA)	Appliance, Industrial, and Building Standards	Lawsuit asking the court to set an enforceable schedule for the U.S. Department of Energy to review and amend energy efficiency standards for 25 consumer and commercial products.

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New York v. U.S. Department of Energy	2d. Cir.	Local/Regional Gov (States, Cities)	DOE	Energy Policy and Conservation Act (EPCA)	Appliance, Industrial, and Building Standards	Challenge to U.S. Department of Energy's December 2019 final rule concerning energy conservation standards for general service incandescent lamps.
RFS Power Coalition v. EPA	D.C. Cir.	Trade Association	EPA	Clean Air Act (CAA), Energy Independence and Security Act (EISA), Energy Policy Act of 2005	Vehicle Emissions & Fuels	Challenge to EPA's final rule setting 2020 volume requirements for renewable fuel production in the Renewable Fuel Standard Program.
State v. American Petroleum Institute	D. Minn.	Local/Regional Gov (State)	Companies (Fossil Fuel)	State Law (Fraud, Negligence, Strict Liability, Minnesota Consumer Fraud Act, Minnesota Uniform Deceptive Trade Practices Act, Minnesota False Statement in Advertising Act)	Fossil Fuel Co. Liability	Action brought by Minnesota against members of the fossil fuel industry for allegedly causing climate change harms by misleading the public by downplaying the threat of climate change and the role of their products in causing climate change.

Advancing and Enforcing Climate Protections (2019)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
California v. Chao	D.D.C.	Local/Regional Gov (States, Cities), NGO (Intl/Natl Envntl)	DOT, NHTSA	National Environmental Policy Act (NEPA), Clean Air Act (CAA), Energy Policy and Conservation Act (EPCA), Energy Independence and Security Act (EISA), Administrative Procedure Act (APA)	Vehicle Emissions & Fuels	Lawsuit challenging the National Highway Traffic Safety Administration's final rule preempting state regulation of carbon dioxide emissions from vehicles.
Commonwealth v. Exxon Mobil Corp.	D. Mass.	Local/Regional Gov (State)	Company (Gas)	State Law (Massachusetts Consumer Protection Act)	Climate Misinformation & Disclosures	Action by Massachusetts attorney general asserting that Exxon Mobil Corporation committed deceptive practices against Massachusetts investors and consumers, including by failing to disclose climate change risks.
Dakota Rural Action v. Noem	D.S.D.	NGO (Intl/Natl Envntl, Local), Individual	Local/Regional Gov (State, local sheriff)	US Constitution (1st Amendment, 14th Amendment)	Speech or Protest	Challenge by environmental and indigenous groups and activists to South Dakota's "Riot Boosting Act."

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Ellis v. Salt River Project Agricultural Improvement & Power District	9th Cir.	Individuals	Company (Public Utility)	US Constitution (14th Amendment); Sherman Antitrust Act;	Gov. Violation of Constitutional Rights	Antitrust class action lawsuit challenging a utility's allegedly discriminatory pricing scheme for electricity for consumers with solar energy systems.
Environmental Defense Fund v. National Highway Traffic Safety Administration	D.C. Cir.	NGO (Intl/Natl Envntl)	NHTSA	Clean Air Act (CAA), Energy Policy and Conservation (EPCA)	Vehicle Emissions & Fuels	Protective petition for review filed to challenge National Highway Traffic Safety Administration's rule withdrawing California's waiver for its greenhouse gas and zero-emission vehicle (ZEV) program and preempting state programs.
Environmental Justice Health Alliance for Chemical Policy Reform v. EPA	S.D.N.Y.	NGO (Intl/Natl Envntl)	EPA	Clean Water Act (CWA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Lawsuit to compel EPA to issue regulations requiring chemical facilities to develop plans to prevent, mitigate, and respond to worst-case spill regulations.
Environmental Law & Policy Center v. EPA	N.D. Ohio	NGO (Intl/Natl Envntl, Local)	EPA	Clean Water Act (CWA), APA	Impacts on Climate, Land, Water, & Wildlife	Citizen suit challenging EPA's alleged inaction regarding Ohio Environmental Protection Agency's failure to develop a Total Maximum Daily Load for western Lake Erie

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						or otherwise address western Lake Erie's impairment.
Harrison County v. Mississippi River Commission	S.D. Miss.	Local/Regional Gov (Cities Counties); Trade Groups (Hotels, Commercial Fisheries)	Miss. River Commission, USACE	National Environmental Policy Act (NEPA), Magnuson-Stevens Act	Impacts on Climate, Land, Water, & Wildlife	Lawsuit asserting that U.S. Army Corps of Engineers and Mississippi River Commission failed to consider and mitigate impacts of opening of spillway on Mississippi River on coastal communities and resources.
In re Exxon Mobil Corp. Derivative Litigation	N.D. Tex.	Individuals	Company (Fossil Fuel)	Securities Act of 1933/Securities Exchange Act of 1934; State Law (Unjust Enrichment, Breach of Fiduciary Duty, Waste)	Climate Misinformation & Disclosures	Shareholder derivative complaint against directors and senior officers of Exxon Mobil Corporation for misleading the public concerning climate change and its impacts on Exxon's business.
Komor v. United States	D. Ariz.	Individual	President Trump, CEQ, OMB, OST, DOE, DOI, DOT, USDA, DOC, DOD, Dept. of State, EPA	Public Trust Doctrine, Ninth Amendment, Fourteenth Amendment (Equal Protection, Due Process)	Gov. Violation of Constitutional Rights	Constitutional climate change lawsuit seeking an order requiring the federal government to research and establish a program for direct atmospheric carbon removal.

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Renewable Fuels Association v. EPA	D.C. Cir.	Trade Groups (Farmers, ethanol)	EPA	Clean Air Act (CAA), Energy Independence and Security Act (EISA), Energy Policy Act of 2005)	Power Plants, Renewables, & Energy Efficiency	Challenge to EPA's August 2019 decision regarding small refinery exemptions to renewable fuel standard requirements for 2018.
San Francisco Baykeeper v. EPA	N.D. Cal.	NGO (Local), Local/Regional Gov (State)	EPA	Clean Water Act (CWA), Administrative Procedure Act (APA)	Impacts on Climate, Land, Water, & Wildlife	Challenge to EPA's determination that the Redwood City Salt Ponds were not within the jurisdiction of the Clean Water Act.
Spoon v. Bayou Bridge Pipeline LLC	M.D. La.	Individuals	Industry (fossil fuel), Local Gov	U.S. Constitution	Speech or Protest	Lawsuit by pipeline protesters against pipeline company, law enforcement officers, and a private security company for violation of federal and state rights.
Tosdal v. NorthWestern Corp.	D. Mont.	Private Individual	Industry (utilities)	Securities Exchange Act	Power Plants, Renewables, & Energy Efficiency	Lawsuit seeking to bar the defendant from excluding the plaintiff's shareholder proposal requesting that the defendant cease coal-fired power generation.

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<p>Union of Concerned Scientists v. National Highway Traffic Safety Administration</p>	<p>D.C. Cir.</p>	<p>NGO (Intl/Natl Envntl, Other) Local/Regional Gov (States, Cities), Trade Group, Companies (Utilities)</p>	<p>NHTSA, EPA</p>	<p>Clean Air Act (CAA), Administrative Procedure Act (APA)</p>	<p>Vehicle Emissions & Fuels</p>	<p>Challenging the National Highway Traffic Safety Administration's rule preempting state limits on tailpipe greenhouse gas emissions and zero-emission vehicle mandates and EPA's withdrawal of California's waiver.</p>
<p>York County v. Rambo</p>	<p>N.D. Cal.</p>	<p>Local Gov (city, county), Labor (pension funds)</p>	<p>Industry (utilities/banking)</p>	<p>Securities Act of 1933</p>	<p>Impacts on Land, Water, & Wildlife</p>	<p>Bond Investors Filed Securities Action Against PG&E for Misrepresenting Efforts to Address Wildfire Risks.</p>

Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (Jan 1-20, 2021)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
Minnesota Automobile Dealers Association v. Minnesota	D. Minn.	Trade Association	Local/Regional Gov (State)	Clean Air Act (CAA), Energy Policy and Conservation Act (EPCA)	Vehicle Emissions & Fuels	Lawsuit to enjoin the Minnesota Pollution Control Agency from establishing greenhouse gas emissions standards for new vehicles and imposing quotas for zero-emission vehicle sales.

Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2020)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
Competitive Enterprise Institute v. National Highway Traffic Safety Administration	D.C. Cir.	NGO (Other)	NHTSA, EPA, DOT	Clean Air Act (CAA), Energy Policy and Conservation Act (EPCA), Administrative Procedure Act (APA)	Vehicle Emissions & Fuels	Challenge to the Trump administration's amendment of greenhouse gas and fuel economy standards for passenger cars and light trucks.
Levin Richmond Terminal Corp. v. City of Richmond	N.D. Cal.	Companies (Transport, Fossil Fuel)	Local/Regional Gov (City)	5th Amendment, 14th Amendment, Commerce Clause,	Fossil Fuel Extraction, Processing, &	Challenge to City of Richmond ordinance that prohibited transloading and export of coal

				Interstate Commerce Commission Termination Act of 1995 (ICCTA), Hazardous Materials Transportation Act, Shipping Act of 1984	Transport	and petroleum coke.
Montana v. Washington	U.S.S.C.	Local/Regional Gov (States)	Local/Regional Gov (State)	Commerce Clause, Foreign Commerce Clause	Gov. Violation of Constitutional Rights (Not Speech)	Bill of complaint in the U.S. Supreme Court by Montana and Wyoming asserting that the State of Washington unconstitutionally blocked the use of its ports for shipments of coal mined in Montana and Wyoming.

Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2019)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
California Restaurant Association v. City of Berkeley	N.D. Cal.	Trade Group (Restaurants)	Local/Regional Gov (City)	Energy Policy and Conservation Act (EPCA), Supremacy Clause	Appliance, Industrial, and Building Standards	Challenge to a City of Berkeley ordinance banning natural gas infrastructure in new buildings.

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Colorado Automobile Dealers Association v. Colorado Department of Public Health & Environment	Colo. Dist. Ct.	Trade Group (Automobile Dealers)	Local/Regional Gov (State)	Clean Air Act (CAA)	Vehicle Emissions & Fuels	Challenge to Colorado's adoption of California's low emission vehicle emission standards (LEV III) for light-duty passenger vehicles and trucks and medium-duty passenger vehicles.
Energy Policy Advocates v. US Department of State	D.D.C.	NGO (Intl/Natl)	Dept. of State	Freedom of Information Act (FOIA)	Gov. Records or Communications Request	Freedom of Information Act lawsuit seeking records from the U.S. Department of State concerning its analysis of whether the 2015 Paris Agreement constituted a treaty.
Energy Transfer LP v. Greenpeace International	D.N.D.	Company (Fossil Fuel)	NGO (Intl/Natl Env'tl, Local), Individuals	State Law (Defamation, Trespass, Conversion, Tortious Interference, Conspiracy)	Fossil Fuel Extraction, Processing, & Transport	Lawsuit by the developers of the Dakota Access Pipeline seeking damages from organizations and individuals who protested the pipeline.
Field v. EPA	N.D. Tex.	Individual	EPA	Clean Air Act (CAA)	Impacts on Land, Water, & Wildlife	Pro se plaintiff's lawsuit alleging that EPA restrictions on aerosols caused global warming.
Freedom to Drive Inc. v. Colorado Air Quality Control Commission	Colo. Dist. Ct.	Trade Groups	Local/Regional Gov (State)	Clean Air Act (CAA), Energy Policy and Conservation Act (EPCA)	Vehicle Emissions & Fuels	Challenge to the Colorado Air Quality Control Commission's adoption of a modified version of the California Zero Emission Vehicle program.
POET Biorefining, LLC v. EPA	D.C. Cir.	Industry (Company)	EPA	Clean Air Act (CAA),	Vehicle Emissions & Fuels	Challenge to EPA guidance document about calculating the

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				Administrative Procedure Act (APA)		amount of cellulosic biofuel in ethanol produced from corn kernels.
Roemer v. Williams	2d Cir.	Individual	Individual	First Amendment	Speech or Protest Related to Fossil Fuels	Lawsuit seeking to compel a community college president to require distribution of plaintiff's position paper referring to political movements to reduce fossil fuel use as "malicious hoax."
United States v. California	E.D. Cal.	Fed Gov	Local/Regional Gov (State), NGO (Intl/Natl Env'tl)	U.S. Constitution	Power Plants, Renewables, & Energy Efficiency	Federal government's lawsuit challenging California's greenhouse gas emissions cap-and-trade agreement with the provincial government of Quebec, Canada.

APPENDIX B: 2019 – JAN. 20, 2021 LITIGATION MATTERS NOT INCLUDED IN THE ANALYSIS

These tables contain cases and other legal matters that were excluded from the dataset because they were primarily focused on state or local law. The case summaries are taken from the Sabin-AP U.S. Climate Change Litigation database available at <http://climatecasechart.com/us-climate-change-litigation/>.

Cases Primarily of State or Local Significance (2020)	
Case	Summary
Energy Policy Advocates v. Attorney General’s Office	Lawsuit seeking communications and other records, including emails regarding climate change, from Vermont attorney general's office.
Energy Policy Advocates v. Balderas	Lawsuit to compel disclosure of the New Mexico Attorney General's communications and agreements with other states' attorneys general offices.
Energy Policy Advocates v. City of Baltimore Department of Law	Lawsuit to compel the Baltimore Law Department to disclose agreements and correspondence with law firm representing it in climate nuisance litigation as well as correspondence with certain activists.
Energy Policy Advocates v. Ellison	Lawsuit to compel disclosure of records related to the relationship between the Minnesota Attorney General and an outside group that funds "special attorneys general" to advance progressive climate change positions.
Energy Policy Advocates v. Nessel	Lawsuit seeking to compel disclosure of correspondence and other records of the Michigan Department of Attorney General that allegedly concerned the Department's "involvement with outside pressure groups and plaintiff's tort attorneys."
Animal Legal Defense Fund v. Foster Poultry Farms	Lawsuit alleging that a chicken slaughterhouse's use of millions of gallons of groundwater was unreasonable in violation of Article X, Section 2, of the California Constitution.
California Chaparral Institute v. Board of Forestry & Fire Protection	Challenge to California Vegetation Treatment Program, a component of California's plan to reduce wildfire risk.
California Natural Gas Vehicle Coalition v. California Air Resources Board	Challenge to California's Advanced Clean Truck Regulation, which requires an increasing percentage of medium- and heavy-duty zero-emissions vehicles.

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Center for Biological Diversity v. County of Kern	Challenges to approvals of a project in California that would include 12,000 dwelling units, up to 5.1 million square feet of commercial land uses, and a development footprint of 4,643 acres.
Chiquita Canyon, LLC v. County of Los Angeles	Challenge by owner and operator of a Los Angeles County landfill to permit conditions.
City of Arcata v. Pacific Gas & Electric Co.	Lawsuit by California cities and county against utility for withholding amounts collected as greenhouse gas credits from electricity users from taxes paid to the plaintiffs under their electricity ordinances.
Clean Wisconsin, Inc. v. Public Service Commission	Challenge to the Wisconsin Public Service Commission's decision approving a Certificate of Public Convenience and Necessity (CPCN) for a proposed 625-megawatt natural gas-powered generating facility.
Columbia Riverkeeper v. Oregon Department of Energy	Lawsuit alleging that the Oregon Department of Energy unlawfully allowed construction of a natural gas plant.
East River Park Action v. City of New York	Lawsuit challenging New York City's approval of a resiliency plan for the Lower East Side that involved elevating an existing park on the East River by eight feet to serve as a barrier to coastal storms and flooding.
Energy Policy Advocates v. Office of the Attorney General	Lawsuit to compel the Washington attorney general to disclose correspondence with climate activists who allegedly "campaign[ed] for attorneys general to pursue opponents of their preferred policies, and to assist a private tort litigation campaign."
Energy Policy Advocates v. Office of the Attorney General	Lawsuit to compel disclosure of communications between the Massachusetts Office of the Attorney General and outside lawyers.
Environmental Defense Fund v. Colorado Air Quality Control Commission	Lawsuit to compel Colorado agencies to propose regulations to reduce statewide greenhouse gas emissions as required by 2019 laws.
Friends of Big Bear Valley v. County of San Bernardino	Challenge to the environmental review for a 50-lot residential development adjacent to Big Bear Lake in California.
Friends of the Headwaters v. Minnesota Pollution Control Agency (In re 401 Certification for Line 3 Replacement Project)	Challenge to Minnesota's granting of a water quality certification for the Enbridge Line 3 crude oil pipeline.
Held v. State	Lawsuit seeking declaration of right under the Montana constitution to a stable climate system and to compel Montana to prepare and implement a remedial plan to reduce greenhouse gas emissions.

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Hurst v. Rosenblum	Challenge to the drafting of a ballot title that would amend Oregon law to establish a greenhouse gas emissions reduction mandate.
In re Enbridge Energy, LP	Challenge to Minnesota Public Utilities Commission authorization of Line 3 pipeline project.
Jacob v. Bloom Energy Corp.	Lawsuit to compel company to allow stockholders to inspect books and records for multiple purposes, including to investigate potential misrepresentations regarding performance of "green energy" technology.
Kaupiko v. Department of Land & Natural Resources	Lawsuit alleging that licenses for commercial aquarium fishing could not be granted without environmental review.
Newberry Community Services District v. County of San Bernardino	Challenge to authorizations for a solar power generating facility across 3,500 acres in California.
Preserve Wild Santee v. City of Santee	Challenge to environmental review for a development in the City of Santee that allegedly would be located on a 2,638-acre site and include 2,900 to 3,000 residential units, commercial structures, a road network, and other infrastructure.
Richardson v. Clarno	Challenge to Oregon Secretary of State's rejection of two clean energy ballot measures.
Sierra Club v. California Department of Water Resources	Challenge to the approval of the Long-Term Operation of the State Water Project.
Sierra Club v. California Department of Water Resources	Lawsuit alleging failure to comply with California Environmental Quality Act before approving revenue bonds to fund tunnel under the Sacramento-San Joaquin Delta
South Coast Air Quality Management District v. City of Los Angeles	Challenge to California Environmental Quality Act review for shipping terminal project at Port of Los Angeles.
Southern California Gas Co. v. California State Energy Resources Conservation and Development Commission	Challenge to California Energy Commission policy that allegedly disregarded state law by eliminating use of natural gas in the state.
Western States Petroleum Association v. California Air Resources Board	Challenge to California Air Resources Board's adoption of amended emission control measures for ocean-going vessels at berth in California ports.
WG Woodmere LLC v. Town of Hempstead	Challenge to rezoning of golf club property on Long Island in New York as a "Coastal Conservation District."
WildEarth Guardians v. Polis	Lawsuit to compel Colorado state defendants to publish a proposed rule setting forth measures to meet statutory greenhouse gas reduction goals.

Cases Primarily of State or Local Significance (2019)	
Case	Summary
Center for Biological Diversity v. County of Los Angeles	Challenge to land use approvals for a residential development in southern California.
Center for Biological Diversity v. County of Los Angeles	Challenge to large development project on border of Los Angeles County and Kern County.
Citizens Committee to Complete the Refuge v. City of Newark	Lawsuit challenging environmental review for shoreline residential development.
City of Torrance v. Southern California Edison Co.	Lawsuit by California city against utility for withholding amounts collected as greenhouse gas credits from electricity users from taxes paid to the City under its electricity tax ordinance.
Davisson Enterprises, Inc. v. City of San Diego	Challenge to a mixed-use development on 93.4 acres for failure to comply with the California Environmental Quality Act and land use and planning requirements.
Energy Policy Advocates v. Ellison	Lawsuit seeking to compel disclosure of information related to program to place private attorneys in Minnesota attorney general's office.
Friends of Flint Mine Solar v. Town Board of Coxsackie	Challenge to town zoning ordinance that restricted locations for utility-scale solar collection systems.

Friends of Rose Creek v. City of San Diego	Challenge to the City of San Diego's approval of specific plan for approximately 210 acres that was intended to provide a framework for transit-oriented development in the affected neighborhood.
Gallaher v. City of Santa Rosa	Challenge to City of Santa Rosa law restricting natural gas appliances in new homes.
Gameros v. City of San Diego	Challenge to City of San Diego's ordinance banning distribution of polystyrene foam food containers.
Government Accountability & Oversight, P.C. v. Frosh	Lawsuit seeking to compel disclosure of the Maryland Office of the Attorney General's application to participate in a program in which a center at NYU Law School would hire a fellow to serve as special assistant attorney general.
In re Acorn Energy Solar 2, LLC	Challenge to certificate of public good granted for construction and operation of a solar net-metering system.
In re Central Maine Power Co.	Appeal of Maine Public Utilities Commission's approval of a transmission line for Canadian hydropower.
In re Proposed Expansion of Daley Farms of Lewiston LLP et al.	Challenge to decisions by Minnesota Pollution Control Agency denial of requests for a contested-case hearing on a NPDES feedlot permit and for an environmental impact statement for expansion of dairy.
In re The Gas Co. dba Hawaii Gas	Challenge to the Hawaii Public Utilities Commission's approval of a rate increase that allowed a utility to pass the costs of two liquid natural gas project on to its customers.

Jensen v. Town of Fraser	Lawsuit challenging a Colorado town's sign code as an unconstitutional content-based restriction on free speech.
John R. Lawson Rock & Oil, Inc. v. California Air Resources Board	Challenge to proposed amendments to California's greenhouse gas emissions standards for medium- and heavy-duty engines and vehicles and to the Tractor-Trailer Greenhouse Gas Regulation.
Landman v. Scott	Lawsuit filed by a Colorado resident against a state senator who blocked her on social media after she criticized his climate change views.
Minnesota Center for Environmental Advocacy v. Minnesota Public Utilities Commission	Challenge to the Minnesota Public Utilities Commission approval of a Minnesota utility's 50% stake in a new gas-fired power plant in Wisconsin.
Morena United v. City of San Diego	Challenge to the City of San Diego's approval of the Morena Corridor Specific Plan, including for violating the City's Climate Action Plan.
NextEra Energy Resources, LLC v. Maine Public Utilities Commission	Challenge to certificate of public convenience and necessity for the New England Clean Energy Connect project.
Protect Our Ala Wai Watersheds v. Miyahira	Challenge to funding for flood management project along the Ala Wai Canal.
Public Watchdogs v. Southern California Edison Co.	Challenge to decommissioning plan for nuclear generating station in California based in part on climate change risks.

San Francisco Taxi Coalition v. City & County of San Francisco	Challenge to limitations on taxi airport pickups.
Save Berkeley's Neighborhoods v. Regents of the University of California	Challenge to environmental review for the Upper Hearst Development Plan for Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan for Berkeley, including failure to assess or mitigate impacts on climate change.
Save Our Sherwoods v. U.S. Department of the Interior	Challenge to the development of a sports complex in Honolulu, including for failure to consider the impacts of climate change on the project.
Sierra Club v. County of San Diego	Challenge to the environmental review for the Otay Ranch Resort Village 14 project in San Diego County, California.
State v. Butler	Criminal case against climate activists charged with criminal trespass in connection with their protest that involved laying dirt and straw over railroad tracks used by an energy company.
The Two Hundred v. Governor's Office of Planning & Research	Challenge to new California Environmental Quality Act regulations.
Von Oeyen v. Southern California Edison Co.	Lawsuit seeking damages from utility and owner of former rocket engine test and nuclear research facility in connection with destruction of homes and other property by the Woolsey Fire in Malibu.
Wheelabrator Baltimore, L.P. v. Mayor & City Council of Baltimore	Challenge by operators of waste-to-energy facility and hospital/medical/infectious waste incineration facility to the Baltimore Clean Air Act.

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White Hat v. Landry	Lawsuit challenging 2018 amendments to a Louisiana law that prohibits unauthorized entry of critical infrastructure by expanding the definition of critical infrastructure to include 125,000 miles of pipelines.
Wildgrass Oil & Gas Committee v. Colorado Oil & Gas Conservation Commission	State Lawsuit in Colorado Sought Stay on Permitting for Oil and Natural Gas Development Pending Completion of Rulemaking Under New Law.

APPENDIX C: 2017 – 2018 CASES REVIEWED IN THE ANALYSIS

The cases included in the data set are listed below and grouped by their trend categorization. The case summaries are taken from the Sabin-AP U.S. Climate Change Litigation database available at <http://climatecasechart.com/us-climate-change-litigation/>. Case status is not provided because this information is constantly evolving.

Defending Obama Administration Climate Policies & Decisions (2017)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
California v. U.S. Bureau of Land Management	N.D. Cal.	State Government Entity, Intl/Natl Environmental NGO, Local or Regional Group	BLM, DOI	Administrative Procedure Act (APA), Federal Land Policy and Management Act (FLPMA), Federal Oil and Gas Royalty Management Act, National Environmental Policy Act (NEPA), Mineral Leasing Act (MLA)	Fossil Fuel Extraction & Transport	Challenge to a U.S. Bureau of Land Management rule postponing compliance dates for Waste Prevention Rule for one year.
California v. U.S. Bureau of Land Management	N.D. Cal.	State Government Entity	BLM	Administrative Procedure Act (APA)	Fossil Fuel Extraction & Transport	Challenge to U.S. Bureau of Land Management decision to postpone compliance dates for waste prevention rule.
Citizens for Clean Energy v. U.S. Department of Interior	D. Mont.	Tribe, State Government Entity, Intl/Natl Environmental NGO, Local or Regional Group	DOI, BLM	Administrative Procedure Act (APA), Clean Water Act (CWA), National Environmental Policy Act (NEPA)	Fossil Fuel Extraction & Transport	Challenge to lifting of moratorium on federal coal leasing and cessation of programmatic environmental review of leasing program.

Clean Air Carolina v. U.S. Department of Transportation	S.D.N.Y.	Intl/Natl Environmental NGO, Local or Regional NGO, Other Intl/Natl NGO	Federal Highway Administration	Administrative Procedure Act (APA)	Vehicle Emissions & Fuels	Challenge to Federal Highway Administration's indefinite suspension of greenhouse gas performance measure for highway system.
Clean Air Council v. Pruitt	D.C. Cir.	Intl/Natl Environmental NGO	EPA	Administrative Procedure Act (APA), Clean Air Act (CAA)	Fossil Fuel Extraction & Transport	Challenge to EPA's administrative stay of portions of the 2016 new source performance standards for sources in the oil and gas sector.
Indigenous Environmental Network v. United States Department of State	D. Mont.	Intl/Natl Environmental NGO, Local or Regional Group	Dept. of State, FWS	Administrative Procedure Act (APA), Bald and Golden Eagle Protection Act, Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Migratory Bird Treaty Act	Fossil Fuel Extraction & Transport	Challenge to Trump administration approval of a presidential permit for the Keystone XL pipeline.
League of Conservation Voters v. Trump	D. Alaska	Intl/Natl Environmental NGO, Local or Regional Group	President Trump, DOI, Dept. of Commerce	Outer Continental Shelf Leasing Act (OCSLA)	Fossil Fuel Extraction & Transport	Challenge to executive order reversing President Obama's withdrawal of lands in the Atlantic and Arctic Oceans from future oil and gas leasing.
Natural Resources Defense Council v. Perry	N.D. Cal.	Municipal Government Entity, State Government Entity	DOE	Administrative Procedure Act (APA), Energy & Conservation Act, Federal Register Act	Appliance, Industrial, and Building Standards	Challenge to U.S. Department of Energy's failure to publish final energy efficiency standards.

Natural Resources Defense Council, Inc. v. Perry	2d Cir.	Municipality, State Government Entity, Intl/Natl Envntl NGO	DOE	Administrative Procedure Act (APA), Energy Policy & Conservation Act	Appliance, Industrial, and Building Standards	Challenge to the U.S. Department of Energy's decisions to delay the effective date for ceiling fan energy efficiency standards.
Natural Resources Defense Council v. Pruitt	D.C. Cir.	Intl/Natl Environmental NGO, Local or Regional Group	EPA	Administrative Procedure Act (APA), Clean Air Act (CAA)	Landfill Emissions	Challenge to EPA's administrative stay of performance standards and emission guidelines for municipal solid waste landfills.
Natural Resources Defense Council, Inc. v. National Highway Traffic Safety Administration	2d Cir.	Intl/Natl Environmental NGO, State Government Entity	NHWTSA, DOT	Administrative Procedure Act (APA), Energy Conservation Act	Vehicle Emissions & Fuels	Challenge to delay of effective date for rule increasing civil penalties for violations of CAFE standards.
People of State of California v. U.S. Department of Transportation	N.D. Cal.	State Government Entity	DOT, FHWA	Administrative Procedure Act (APA)	Vehicle Emissions & Fuels	Challenge to delays and suspension of greenhouse gas performance measures for the national highway system.
Public Citizen, Inc. v. Trump	D.D.C.	Intl/Natl Environmental NGO, Other Intl/Natl NGO, Union	President Trump	Administrative Procedure Act (APA), Constitutional (Take Care Clause, Separation of Powers)	Government Violation of Constitutional Rights	Challenge to President Trump's executive order on "Reducing Regulation and Controlling Regulatory Costs" as well as interim guidance for the order's implementation.

Sierra Club v. Perry	D.D.C.	Intl/Natl Environmental Group	DOE	Administrative Procedure Act (APA), Energy Independence & Security Act (EISA)	Appliance, Industrial, and Building Standards	Action to compel issuance of energy efficiency standards for manufactured housing.
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Defending Obama Administration Climate Policies & Decisions (2018)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
California v. EPA	D.C. Cir.	Local/Regional Gov Entity	EPA	Clean Air Act (CAA)	Vehicle Emissions & Fuels	Challenges to EPA determination to withdraw its Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light-Duty Vehicles because the standards appeared to be too stringent.
California v. U.S. Bureau of Land Management	N.D. Cal.	Local/Regional Gov Entity, Intl/Natl Envntl NGO, Local/Regional NGO	BLM, DOI	APA, FLPMA, MLA, NEPA, Indian Mineral Leasing Act (IMLA)	Fossil Fuel Extraction, Processing, & Transport	Challenge to BLM's repeal of 2015 regulations governing hydraulic fracturing on federal and tribal lands.
California v. Zinke	N.D. Cal.	Intl/Natl Envntl NGO, Local/Regional Gov Entity	BLM, DOI	APA, NEPA, MLA, FLPMA	Fossil Fuel Extraction, Processing, & Transport	Challenge to BLM's repeal of key provisions of the 2016 Waste Prevention Rule for oil and gas development on public and tribal lands.
Environmental Defense Fund v.	D.C. Cir.	Intl/Natl Envntl NGO,	EPA	Clean Air Act (CAA)	Vehicle Emissions &	Challenge to EPA "no action assurance"

EPA		Local/Regional Gov Entity			Fuels	memorandum that provided assurance that EPA would not enforce greenhouse gas emission and fuel efficiency standards against small manufacturers of glider kits and vehicles.
Natural Resources Defense Council v. Wheeler	D.C. Cir.	Intl/Natl Envntl NGO, Local/Regional Gov Entity	EPA	Clean Air Act (CAA)	Appliance, Industrial, and Building Standards	Challenge to EPA's decision to suspend the 2015 final rule prohibiting or restricting certain uses of HFCs under Clean Air Act's safe alternatives policy.
Rosebud Sioux Tribe v. U.S. Department of State	D. Mont.	Local/Regional Gov Entity (Tribes)	State Dept.	APA, NEPA, National Historic Preservation Act	Fossil Fuel Extraction, Processing, & Transport	Challenge to presidential permit for Keystone XL pipeline.

Demanding Transparency & Scientific Integrity from the Trump Administration (2017)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
California v. EPA	D.D.C.	State Government Entity	EPA	Freedom of Information Act (FOIA)	Government Records or Communications Request	Freedom of Information Act lawsuit to compel disclosure of records concerning EPA's process to ensure that Administrator Scott Pruitt was in compliance with federal ethics regulations and obligations with respect to participation in rulemaking.
Center for Biological Diversity v. National Oceanic and Atmospheric Administration	D.D.C.	Intl/Natl Environmental NGO	NOAA, DOC	Freedom of Information Act (FOIA)	Government Records or Communications Request	Action to compel disclosure of records regarding the termination of the Advisory Committee for the Sustained National Climate Assessment.
Center for Biological Diversity v. U.S. Bureau of Land Management	D.D.C.	Intl/Natl Environmental NGO	BLM	Administrative Procedure Act (APA), Freedom of Information Act (FOIA)	Government Records or Communications Request	Action seeking to compel BLM to respond to Freedom of Information Act request for documents related to the federal coal program.
Center for Biological Diversity v. U.S. Department of Interior	D.D.C.	Intl/Natl Environmental NGO	DOI, EPA, DOE, State Dept.	Administrative Procedure Act (APA), Freedom of Information Act (FOIA)	Government Records or Communications Request	Freedom of Information Act lawsuit to compel disclosure of directives and communications regarding removal of climate change-related words from formal agency communications.

Center for Media & Democracy v. Hunter	Okla. Sup. Ct.	Other NGO	Pruitt/Hunter (Attorney General of OK)	Oklahoma Open Records Act	Government Records or Communications Request	Action to compel response by Oklahoma attorney general to Open Records Act request for documents regarding industry ties of attorney general Scott Pruitt.
Natural Resources Defense Council v. U.S. Environmental Protection Agency	S.D.N.Y.	Intl/Natl Environmental NGO	EPA, FDA, NOAA, OMB, DOI, BLM, Bureau of Reclamation, USFWS, Office of Surface Mining, Reclamation, & Enforcement, USFS, DOJ	Freedom of Information Act (FOIA)	Government Records or Communications Request	Action to compel production of communications between certain federal agencies and Trump transition team.
Project Democracy Project, Inc. v. U.S. Department of Energy	D.D.C.	Other Intl/Natl NGO	DOE	Freedom of Information Act (FOIA)	Government Records or Communications Request	Action to compel response to Freedom of Information Act request to the U.S. Department of Energy seeking Trump transition team questionnaires regarding climate change.
Public Employees for	D.D.C.	Intl/Natl Environmental	EPA	Freedom of Information Act	Government Records or	Action to compel a response by EPA to a Freedom of

Environmental Responsibility v. EPA		NGO		(FOIA)	Communications Request	Information Act request regarding remarks about climate change made by EPA Administrator Scott Pruitt in a televised interview.
Sierra Club v. EPA	D.D.C.	Local/Regional	EPA	Administrative Procedure Act (APA), Freedom of Information Act (FOIA)	Government Records or Communications Request	Action to compel EPA to disclose senior officials' external communications.
Sierra Club v. U.S. Department of Energy	N.D. Cal.	Intl/Natl Environmental Group	DOE	Freedom of Information Act (FOIA)	Government Records or Communications Request	Freedom of Information Act action to compel disclosure of documents related to the U.S. Department of Energy's study of U.S. electricity markets and the reliability of the electrical grid
WildEarth Guardians v. U.S. Department of the Interior Office of the Secretary	D.D.C.	Intl/Natl Environmental Group	DOI	Freedom of Information Act (FOIA)	Government Records or Communications Request	Freedom of Information Act lawsuit against Department of the Interior to compel production of records related to Secretarial Order on onshore mineral leasing program

Demanding Transparency & Scientific Integrity from the Trump Administration (2018)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
Center for Biological Diversity v. U.S. Department of State	D.D.C.	Intl/Natl Envntl NGO	State Dept.	APA, FOIA	Government Records or Communications Request	Freedom of Information Act lawsuit seeking Department of State records regarding U.S. Climate Action Report.

Center for Biological Diversity v. U.S. Department of State	D.D.C.	Intl/Natl Envntl NGO	State Dept., FAA, EPA	APA, FOIA	Government Records or Communications Request	Freedom of Information Act lawsuit seeking to compel disclosure of records regarding aircraft emissions standards and U.S. participation in the 2016 International Civil Aviation Organization (ICAO) carbon dioxide rulemaking process.
Columbia Riverkeeper v. U.S. Department of Energy	D. Or.	Local/Regional Envntl NGO	DOE	APA, FOIA	Government Records or Communications Request	Freedom of Information Act lawsuit seeking disclosure of documents related to proposed methanol refinery.
Defenders of Wildlife v. U.S. Department of the Interior	D.D.C.	Intl/Natl Envntl NGO	USFWS, DOI, BLM	FOIA	Government Records or Communications Request	Freedom of Information Act lawsuit seeking documents about plans for fossil fuel development on the Coastal Plain of the Arctic National Wildlife Refuge.
Ecological Rights Foundation v. EPA	N.D. Cal.	Intl/Natl Envntl NGO	EPA	FOIA	Government Records or Communications Request	Freedom of Information Act lawsuit seeking EPA disclosure of directives to EPA employees since beginning of Trump administration concerning public communications about EPA work and review of EPA work by political appointees.
Environmental Defense Fund v. Department of the Interior	D.D.C.	Intl/Natl Envntl NGO	DOI, BLM	FOIA	Government Records or Communications Request (Fossil fuel extraction &	Freedom of Information Act lawsuit seeking disclosure of documents related to efforts to roll back Bureau of Land Management's Waste Prevention

					transportation)	Rule.
Environmental Defense Fund v. U.S. Department of Transportation	D.D.C.	Intl/Natl Env'tl NGO	DOT	FOIA	Government Records or Communications Request (Transportation)	Freedom of Information Act lawsuit seeking U.S. Department of Transportation officials' calendars and correspondence related to proposed and anticipated actions to roll back greenhouse gas and fuel efficiency standards for vehicles.
Natural Resources Defense Council v. EPA	S.D.N.Y.	Intl/Natl Env'tl NGO	EPA	FOIA	Government Record or Communications request (Vehicle Emissions)	Freedom of Information Act lawsuit seeking records related to the U.S. Environmental Protection Agency's model for assessing the cost and effectiveness of greenhouse gas emission standards.
Public Employees for Environmental Responsibility v. EPA	D.D.C.	Intl/Natl NGO	EPA	FOIA	Government Records or Communications Request (climate science or scientist participation)	Freedom of Information Act lawsuit seeking to compel EPA to disclose records regarding policies put in place and other measures taken after EPA cancelled scientists' and consultant's participation in Rhode Island climate change conference.
Sierra Club v. EPA	N.D. Cal.	Intl/Natl Env'tl NGO	EPA	FOIA	Government Records or Communications Request (Paris Agreement/anti climate lobbying)	Freedom of Information Act lawsuit seeking to compel disclosure of communications between EPA employees hired at the beginning of the Trump administration and the EPA

						Administrator or external parties.
Sierra Club v. EPA	N.D. Cal.	Intl/Natl Env'tl NGO	EPA	FOIA	Government Records or Communications Request (unethical fossil fuel influence)	Freedom of Information lawsuit seeking external communications and meeting records for EPA staff that Sierra Club alleged had "troubling ties to polluting industries."
Sierra Club v. U.S. Department of Energy	D.D.C.	Intl/Natl Env'tl NGO	DOE	FOIA	Government Records or Communications Request (power plants)	Freedom of Information Act lawsuit seeking correspondence and other documents related to the U.S. Department of Energy's alleged efforts to bail out the coal and nuclear industries
Sierra Club v. U.S. Department of Interior	N.D. Cal.	Intl/Natl Env'tl NGO	DOI	FOIA	Government Records or Communications Request	Freedom of Information Act lawsuit seeking disclosure of external communications of Department of the Interior officials.
Southern Environmental Law Center v. EPA	W.D. Va.	Local/Regional Env'tl NGO	EPA	FOIA	Government Records or Communications Request	Freedom of Information Act lawsuit seeking EPA communications with Heartland Institute regarding potential red team/blue team climate science exercise and other matters.
Union of Concerned Scientists v. U.S. Department of Energy	D.D.C.	Intl/Natl Env'tl NGO	DOE, FERC	FOIA	Government Records or Communications Request	Freedom of Information Act lawsuit seeking correspondence and other records related to potential federal coal and nuclear subsidies.
Wilderness	D.D.C.	Intl/Natl Env'tl	DOI	APA, FOIA	Government	Freedom of Information Act

Society v. U.S. Department of Interior		NGO			Records or Communications Request	lawsuit seeking documents related to the Interior Department's implementation of President Trump's executive order on energy independence.
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Integrating Consideration of Climate Change into Environmental Review & Permitting (2017)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
Allegheny Defense Project v. Federal Energy Regulatory Commission; In re Transcontinental Gas Pipe Line Company, LLC	D.C. Cir.; FERC	Intl/Natl Environmental NGO	FERC	National Environmental Policy Act (NEPA), Natural Gas Act	Fossil Fuel Extraction & Transport	Challenge to FERC approval of the Atlantic Sunrise natural gas pipeline expansion project in Pennsylvania and other locations on East Coast.
Appalachian Voices v. Federal Energy Regulatory Commission	D.C. Cir.	Intl/Natl Environmental Group, Local or Regional Group	FERC	National Environmental Policy Act (NEPA), Natural Gas Act (NGA), National Historic Preservation Act (NHPA)	Fossil Fuel Extraction & Transport	Challenge to FERC order approving Mountain Valley Pipeline extending from West Virginia to Virginia.
Bair v. California Department of Transportation	N.D. Cal.	Intl/Natl Envntl NGO, Local/Regional NGO, Individuals	Local/State Gov Entity	APA, NEPA, Wild and Scenic Rivers Act, Declaratory Judgment Act	Impacts on Land, Water, & Wildlife	Challenge to highway widening project in state park in California.
Bay.org d/b/a The Bay Institute v. Zinke	N.D. Cal.	Intl/Natl Environmental NGO, Local or Regional Group	DOI & FWS	Administrative Procedure Act (APA), Endangered Species Act (ESA)	Impacts on Land, Water, & Wildlife	Challenge to biological opinion issued for water diversion project in California.
California Cattlemen's Association v. U.S. Fish & Wildlife Service	D.D.C.	Trade Associations	DOI, USFWS	APA, ESA, Regulatory Flexibility Act	Impacts on Land, Water, & Wildlife	Challenge to designation of critical habitat in California for three amphibian species.

Center for Biological Diversity v. EPA	N.D. Cal.	Intl/Natl Environmental NGO, Local or Regional Group	EPA	Clean Air Act (CAA)	Power Plants, Renewables, and Energy Efficiency	Action to compel EPA to respond to petition seeking objection to Title V permit for natural gas plant in California.
Center for Biological Diversity v. U.S. Bureau of Land Management	D. Nev.	Intl/Natl Environmental NGO	BLM	Administrative Procedure Act (APA), National Environmental Policy Act (NEPA)	Fossil Fuel Extraction & Transport	Challenge to oil and gas lease sale in Nevada.
Center for Biological Diversity v. U.S. Fish & Wildlife Service	D. Ariz.	Intl/Natl Environmental NGO	FWS	Administrative Procedure Act (APA), Endangered Species Act (ESA)	Impacts on Land, Water, & Wildlife	Challenge to biological opinion for copper mine in Arizona.
Center for Biological Diversity v. U.S. Forest Service	S.D. Ohio	Intl/Natl Environmental NGO, Local or Regional Group	USFS, BLM	Administrative Procedure Act (APA), National Environmental Policy Act (NEPA)	Fossil Fuel Extraction & Transport	Challenge to authorization of oil and gas leasing in the Wayne National Forest.
Center for Food Safety v. U.S. Army Corps of Engineers	W.D. Wash.	Other NGO	USACE	Administrative Procedure Act (APA), Clean Water Act (CWA), National Environmental	Impacts on Land, Water, & Wildlife	Challenge to U.S. Army Corps of Engineers' renewal of a nationwide permit to cover shellfish aquaculture in Washington State.

				Policy Act (NEPA)		
Citizens for a Healthy Community v. U.S. Bureau of Land Management	D. Colo.	Intl/Natl Envntl NGO, Local/Regional NGO	BLM, DOI, USDA	NEPA	Impacts on Land, Water, & Wildlife	Challenge to federal actions authorizing oil and gas development in the Bull Mountain Unit in the Colorado River basin.
Columbia Riverkeeper v. Pruitt	W.D. Wash.	Regional or Local Group, Industry Trade Group	EPA	Administrative Procedure Act (APA), Clean Water Act (CWA)	Impacts on Land, Water, & Wildlife	Lawsuit alleging that EPA violated the Clean Water Act by failing to issue a total maximum daily load (TMDL) for temperature pollution in the Columbia and Snake Rivers in Oregon and Washington.
Crow Indian Tribe et al v. United States of America et al	D. Mont.	Tribe, Intl/Natl Environmental NGO, Other Intl/Natl NGO	DOI, FWS	Administrative Procedure Act (APA), Endangered Species Act (ESA)	Impacts on Land, Water, & Wildlife	Challenge to designation of a Greater Yellowstone Ecosystem grizzly bear distinct population segment (DPS) and a related determination that the DPS was recovered and did not qualify as endangered or threatened under the Endangered Species Act.
Delaware Riverkeeper Network v. Secretary of Pennsylvania Department of Environmental Protection	3d. Cir.	Local or Regional Group	State: PA Dept. of Environmental Protection	Natural Gas Act, Pennsylvania Dam Safety and Encroachment Act	Fossil Fuel Extraction & Transport	Challenge to Pennsylvania permits for interstate natural gas pipeline project.
Delaware Riverkeeper Network v. U.S. Army	3d Cir.	Local or Regional Group	USACE	Administrative Procedure Act	Fossil Fuel Extraction &	Challenge to Clean Water Act permits for natural gas interstate

Corps of Engineers				(APA), Clean Water Act (CWA), National Environmental Policy Act (NEPA), Natural Gas Act	Transport	pipeline project.
High Country Conservation Advocates v. U.S. Forest Service	D. Colo.	Intl/Natl Environmental NGO, Local or Regional Group	DOI, BLM, USDA, USFS	Administrative Procedure Act (APA), National Environmental Policy Act (NEPA)	Fossil Fuel Extraction & Transport	Challenge to federal approvals of underground coal mine expansion.
In re Atlantic Coast Pipeline, LLC	FERC	Local or Regional Group	FERC	National Environmental Policy Act (NEPA), the Natural Gas Act	Fossil Fuel Extraction & Transport	Challenge to approvals for natural gas pipeline project running through West Virginia, Virginia, and North Carolina.
In re: Border Infrastructure Environmental Litigation	9 th Cir.	State Government Entity	U.S., Dept. of Homeland Security, U.S. Customs and Border Protection	Administrative Procedure Act (APA), Coastal Zone Management Act, National Environmental Policy Act (NEPA)	Impacts on Land, Water, & Wildlife	Challenge to waivers for construction of border wall projects in California.
National Wildlife Federation v. U.S. Army Corps of Engineers	D.D.C.	Environmental Groups and Local or Regional Group	USACE	Administrative Procedure Act (APA), National Environmental	Impacts on Land, Water, & Wildlife	Challenge to approval of update to the Master Water Control Manual for federal dams and reservoirs in the Apalachicola-

				Policy Act (NEPA), the Water Resources Development Act, Fish and Wildlife Coordination Act		Chattahoochee-Flint River Basin.
New York State Department of Environmental Conservation v. Federal Energy Regulatory Commission	FERC; 2d Cir.	State Government Entity	FERC	Clean Water Act (CWA), National Environmental Policy Act (NEPA), Natural Gas Act	Fossil Fuel Extraction & Transport	Proceeding before FERC to obtain authorization for natural gas pipeline project in New York.
Regents of University of California v. Federal Emergency Management Agency	N.D. Cal.	State Government Entity	FEMA	Administrative Procedure Act (APA), National Environmental Policy Act (NEPA), Stafford Disaster Relief and Emergency Assistance Act of 1988	Impacts on Land, Water, & Wildlife	Challenge to termination of wildfire mitigation grants in Bay Area in California.
Rosado v. Pruitt	E.D.N.Y.	State Government Entity	EPA	Administrative Procedure Act, Coastal Zone Management Act, Ocean Dumping Act	Impacts on Land, Water, & Wildlife	Challenge to EPA's designation of an ocean dumping site in Long Island Sound.
Save the Colorado v. U.S. Bureau of	D. Colo.	Intl/Natl Environmental	BLM, USACE	Administrative Procedure Act	Impacts on Land,	Challenge to approvals for project facilitating diversion of water

Reclamation		NGO, Local or Regional Group		(APA), Clean Water Act (CWA), National Environmental Policy Act (NEPA)	Water, & Wildlife	from Colorado River.
Save the Scenic Santa Ritas v. U.S. Forest Service	D. Ariz.	Intl/Natl Environmental Group, Local or Regional Group	USFS	Administrative Procedure Act (APA), Clean Water Act (CWA), Federal Lands Policy Management Act (FLPMA), Federal Reserved Water Rights Doctrine, Forest Service Organic Act, Las Cienegas National Conservation Area Act, Mining and Minerals Policy Act of 1970, National Environmental Policy Act (NEPA), Public Trust Doctrine, Stock Raising Homestead Act	Impacts on Land, Water, & Wildlife	Challenge to approvals for copper mine in Arizona.
Sierra Club v. Federal Energy Regulatory	D.C. Cir.	Local/Regional	FERC	National Environmental	Fossil Fuel Extraction &	Challenge to natural gas pipeline project between Ohio and

Commission				Policy Act (NEPA), Natural Gas Act	Transport	Michigan.
Town of Weymouth v. Federal Energy Regulatory Commission	FERC, D.C. Cir.	Intl/Natl Env'tl NGO, Local/Regional NGO, State/Local Gov Entity	FERC	NEPA, NGA, CZMA	Fossil fuel extraction & transport	Challenge to FERC's approval of the Atlantic Bridge Project, which includes natural gas pipeline and compression facilities in New York, Connecticut, and Massachusetts.
WildEarth Guardians v. Zinke	D. Mont.	Intl/Natl Environmental Group, Local or Regional Group	DOI & Office of Surface Mining Reclamation & Enforcement	Administrative Procedure Act (APA), National Environmental Policy Act (NEPA)	Fossil Fuel Extraction & Transport	Challenge to mining plan modification for Montana coal mine.

Integrating Consideration of Climate Change into Environmental Review & Permitting (2018)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
Appalachian Voices v. Federal Energy Regulatory Commission	4th Cir.	Intl/Natl Env'tl NGO, Local Env'tl NGO, Other Local NGO	FERC	National Environmental Policy Act (NEPA), Natural Gas Act	Fossil Fuel Extraction, Processing, & Transport	Challenge to Federal Energy Regulatory Commission's authorization of the Atlantic Coast natural gas pipeline.
Atchafalaya Basinkeeper v. U.S. Army Corps of Engineers	5th Cir.	Intl/Natl Env'tl NGO, Local Env'tl NGO; Trade Industry Group	USACE	APA (National Environmental Policy Act (NEPA), Clean Water Act (CWA), Rivers and	Fossil Fuel Extraction, Processing, & Transport	Challenge to U.S. Army Corps of Engineers permits and authorizations for crude oil pipeline in Louisiana.

				Harbors Act, Executive Order 11988		
Birckhead v. Federal Energy Regulatory Commission	D.C. Cir.	Individuals	FERC	NEPA	Fossil Fuel Extraction, Processing, & Transport	Challenge to FERC approval of project involving construction and replacement of natural gas compression facilities in West Virginia, Kentucky, and Tennessee.
Center for Biological Diversity v. Ross	D.D.C.	Intl/Natl Env'tl NGO, Other NGO	Dept. of Commerce, NOAA, NMFS	APA, ESA, MMPA	Impacts on Land, Water, & Wildlife	Lawsuit alleging that authorization and management of lobster fishery violated federal law due to impacts on North American right whales.
Center for Biological Diversity v. Tennessee Valley Authority	N.D. Ala.	Intl/Natl Env'tl NGO, Local/Regional NGO	TVA	APA, NEPA	Power Plants, Renewables, and Energy Efficiency	Challenge to Tennessee Valley Authority's changes to rate structure, which plaintiffs alleged would discourage investment in renewable energy and energy efficiency.
Center for Biological Diversity v. Zinke	D. Alaska	Intl/Natl Env'tl NGO	USFWS, DOI	APA, ESA	Impacts on Land, Water, & Wildlife	Lawsuit challenging the determination that the listing of the Pacific walrus as endangered or threatened was not warranted.
Center for Biological Diversity v. Zinke	D.D.C.	Intl/Natl Env'tl NGO	USFWS, DOI	APA, ESA	Impacts on Land, Water, & Wildlife	Action to compel determination on 2013 petition to list the Tinian monarch as endangered or threatened.
Center for Biological Diversity v. Zinke	9th Cir.	Intl/Natl Env'tl NGO	USFWS, BOEM, DOI	APA, ESA, NEPA, OCSLA	Fossil Fuel Extraction, Processing, &	Challenge to federal actions authorizing oil and gas development project in the

					Transport	Beaufort Sea offshore of Alaska.
Dakota Rural Action v. U.S. Department of Agriculture	D.D.C.	Intl/Natl Env'tl NGO, Local/Regional NGO	USDA, Farm Service Agency	APA, NEPA	Animal Feedlots	Lawsuit challenging the U.S. Department of Agriculture Farm Service Agency (FSA) rule that categorically excluded FSA funding of medium-sized concentrated animal feeding operations from NEPA review.
Delaware Riverkeeper Network v. Federal Energy Regulatory Commission	D.C. Cir.	Local/Regional Env'tl NGO	FERC	NEPA, NGA	Fossil Fuel Extraction, Processing, & Transport	Challenge to FERC authorization of PennEast Pipeline project.
Friends of Animals v. U.S. Fish & Wildlife Service	D. Colo.	Intl/Natl Env'tl NGO	DOI,USFWS	ESA	Impacts on Land, Water, & Wildlife	Lawsuit to compel the U.S. Fish and Wildlife Service to designate critical habitat for the western distinct population segment of the yellow-billed cuckoo.
Gulf Restoration Network v. Zinke	D.D.C.	Intl/Natl Env'tl NGO, Local/Regional Env'tl NGO	DOI	APA, NEPA	Fossil Fuel Extraction, Processing, & Transport	Action challenging federal government's decisions to hold offshore oil and gas lease sales.
Idaho Conservation League v. U.S. Forest Service	D. Idaho	Local/Regional Env'tl NGO	USFS	APA, NEPA, National Forest Management Act (NFMA), Forest Service Organic Act)	Impacts on Land, Water, & Wildlife	Challenge to approval of a mining exploration project.
In re Appalachian Voices	4th Cir.	Intl/Natl Env'tl NGO, Local/Regional NGO	Industry (pipeline company)	Natural Gas Act	Fossil Fuel Extraction, Processing, & Transport	Petition seeking to stay order of Federal Energy Regulatory Commission authorizing the Atlantic Coast natural gas

						pipeline project.
In re PennEast Pipeline Co.	FERC	Local/Regional Env'tl NGO	Industry (pipeline company)	Constitution (Fifth Amendment—Takings), NEPA, CWA, Natural Gas Act, National Historic Preservation Act (NHPA)	Fossil Fuel Extraction, Processing, & Transport	Request for rehearing of authorization for natural gas pipeline from Pennsylvania to New Jersey and related facilities
Klamath-Siskiyou Wildlands Center v. Grantham	E.D. Cal.	Local/Regional Env'tl NGO	USFS	APA, NEPA, National Forest Management Act (NFMA)	Impacts on Land, Water, & Wildlife	Lawsuit challenging U.S. Forest Service plan to reduce wildfire risk.
Martin County, Florida v. U.S. Department of Transportation	D.D.C.	Local/Regional Gov Entity, Local/Regional NGO	DOT	NEPA, Internal Revenue Code	Resilient Infrastructure & Development	Challenge to federal allocation for passenger railroad in Florida.
Natural Resources Defense Council, Inc. v. Zinke	D. Alaska	Intl/Natl Env'tl NGO	DOI, BLM	APA, NEPA	Fossil Fuel Extraction, Processing, & Transport	Challenge to oil and gas lease sales in National Petroleum Reserve—Alaska.
Northern Alaska Environmental Center v. U.S. Department of the Interior	D. Alaska	Intl/Natl Env'tl NGO, Local/Regional Env'tl NGO	DOI, BLM	APA, NEPA	Fossil Fuel Extraction, Processing, & Transport	Challenge to decision to lease lands in National Petroleum Reserve—Alaska for oil and gas drilling.
Norwalk Harbor Keeper v. U.S. Department of Transportation	D. Conn.	Local/Regional NGO, Individuals	DOT, FTA, Local/State Gov Entity	APA, NEPA	Resilient Infrastructure & Development	Challenge to environmental review for railroad bridge replacement project in Norwalk, Connecticut, alleging failure to conduct adequate resiliency analysis.

Otsego 2000, Inc. v. Federal Energy Regulatory Commission	D.C. Cir.	Local/Regional Env'tl NGO, Individuals	FERC	APA, NEPA, NGA	Fossil Fuel Extraction, Processing, & Transport	Challenge to FERC authorization of natural gas infrastructure project in New York.
Rocky Mountain Wild v. Zinke	D. Colo.	Intl/Natl Env'tl NGO, Local/Regional Env'tl NGO	DOI, BLM	APA, NEPA, FLPMA	Fossil Fuel Extraction, Processing, & Transport	Challenge to 121 oil and gas leases in and around the Uinta Basin in northwestern Colorado and northeastern Utah.
Save the Colorado v. Semonite	D. Colo.	Intl/Natl Env'tl NGO, Local/Regional Env'tl NGO	USACE, DOI, USFWS	APA, CWA, ESA, NEPA	Impacts on Land, Water, & Wildlife	Challenge to dam project in Boulder County in Colorado.
Western Watersheds Project v. Zinke	D. Idaho	Intl/Natl Env'tl NGO, Local/Regional Env'tl NGO	DOI, BLM	APA, NEPA, FLPMA	Impacts on Land, Water, & Wildlife	Challenge to sale of oil and gas leases within and affecting sage-grouse habitat and to related Bureau of Land Management guidance.
WildEarth Guardians v. U.S. Bureau of Land Management	D. Mont.	Intl/Natl Env'tl NGO, Local/Regional Env'tl NGO (individuals)	DOI, Local/State Gov Entity	NEPA	Fossil Fuel Extraction, Processing, & Transport	Challenge to environmental reviews conducted for oil and gas lease sales on public lands in Montana.
WildEarth Guardians v. Zinke	D. Ariz.	Intl/Natl Env'tl NGO, Local/Regional Env'tl NGO	DOI, USFWS	APA, ESA	Impacts on Land, Water, & Wildlife	Challenge to recovery plan for Mexican wolves.
Wilderness Workshop v. U.S. Bureau of Land Management	D. Colo.	Intl/Natl Env'tl NGO	DOI, BLM	APA, NEPA	Fossil Fuel Extraction, Processing, & Transport	Challenge to federal approval of 53 oil and gas lease parcels on public lands in the Upper Colorado River Basin in western Colorado.

Advancing and Enforcing Climate Protections (2017)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
Adorers of the Blood of Christ v. Federal Energy Regulatory Commission	E.D. Pa.; Third Circuit	Religious Order	FERC	Natural Gas, Religious Freedom Reformation Act	Fossil Fuel Extraction & Transport	Action brought by religious order of Roman Catholic women that owned property in Pennsylvania to challenge FERC's authorization of natural gas pipeline that would pass through the property.
City of Oakland v. BP p.l.c.	Cal. Super. Ct., N.D. Cal., 9 th Cir.	Municipality	Industry (Fossil Fuel Companies)	Tort Law (Public Nuisance)	Fossil Fuel Co. Liability	Public nuisance actions brought separately by City of Oakland and City of San Francisco against fossil fuel companies.
Clean Air Council v. United States	E.D. Pa.	Intl/Natl Environmental NGO, Citizens	U.S., DOE, EPA, Trump	Constitutional (5th Amendment), Public Trust Doctrine	Government Violation of Constitutional Rights	Lawsuit against United States and other federal defendants asserting constitutional claims to block deregulatory actions by Trump administration.
Colorado River Ecosystem v. State of Colorado	D. Colo.	Local or Regional Group	State of CO	Other Statutory	Impacts on Land, Water, & Wildlife	Action seeking judicial declaration that Colorado River ecosystem is a "person" possessing rights.
Conservation Law Foundation, Inc. v. Shell Oil Products US	D.R.I.	Local or Regional Group	Industry (Fossil Fuel Company)	Administrative Procedure Act (APA), Clean Water Act (CWA)	Fossil Fuel Co. Liability	Citizen suit alleging that Shell Oil violated the Clean Water Act by failing to prepare a bulk storage and

						fuel terminal in Providence, Rhode Island, for climate change impacts.
County of San Mateo v. Chevron Corp.	9 th Cir., N.D. Cal., Cal. Super. Ct., Bankr. E.D. Mo.	Municipality	Industry (Fossil Fuel Companies)	Tort Law (Public Nuisance, Private Nuisance, Strict Liability for Failure to Warn, Strict Liability for Design Defect, Negligence, Negligent Failure to Warn, and Trespass)	Fossil Fuel Co. Liability	Actions by California municipalities seeking damages from fossil fuel companies for sea level rise.
County of Santa Cruz v. Chevron Corp.	Cal. Super. Ct., N.D. Cal., 9 th Cir.	Municipality	Industry (Fossil Fuel Companies)	Tort Law (Public Nuisance, Private Nuisance, Strict Liability Based on Failure to Warn and Design Defect, Negligence, and Trespass)	Fossil Fuel Co. Liability	Lawsuits filed by City and County of Santa Cruz alleging that fossil fuel companies caused climate change-related injuries.
Holmquist v. United States	E.D. Wash.	Citizens	U.S.	Constitution (Ninth Amendment, Interstate Commerce Commission Termination Act of 1995)	Fossil Fuel Extraction & Transport	Challenge to Interstate Commerce Commission Termination Act of 1995 preemption of local prohibitions on rail transportation of fossil fuels.
Humane Society of United States v.	D.D.C.	Intl/Natl Environmental	EPA	Administrative Procedure Act (APA),	Animal Feedlot Emissions	Action to compel EPA to respond to 2009 petition

Pruitt		NGO, Other Intl/Natl NGO, Local or Regional Group		Clean Air Act (CAA)		requesting that concentrated animal feeding operations be regulated as sources of air pollution.
Lindsay v. Republican National Committee	W.D. Wis.	Citizen	120 defendants including President Trump, Trump Administration Cabinet Officials, Republican National Committee	Constitutional and Other Statutory	Government Violation of Constitutional Rights	Lawsuit alleging that defendants including President Trump, cabinet officials, other Republican officials, and other individuals violated plaintiff's rights through numerous policy and other actions, including the failure to act on global warming.
Sierra Club v. Wheeler	D.D.C.	Intl/Natl Environmental Group	EPA	Clean Air Act (CAA), Energy Independence & Security Act (EISA)	Vehicle Emissions & Fuels	Action to compel EPA to submit reports on the Renewable Fuel Standard program's environmental and resource impacts and to complete an "anti-backsliding" study.

Advancing and Enforcing Climate Protections (2018)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
Animal Legal Defense Fund v. United States	D. Or.	Intl/Natl Envntl NGO, Individuals	United States, DOI, Dept. of Ag, EPA, Dept. of Defense	U.S. Constitution (First Amendment, Fourth Amendment, Ninth Amendment,	Gov. Violation of Constitutional Rights (Not	Claims against the federal government alleging violations of a constitutional right to wilderness and

				Fifth Amendment— Due Process, Fourteenth Amendment—Due Process)	Speech)	seeking order requiring the government to prepare and implement a remedial plan to mitigate climate change impacts.
Barnes v. Edison International	C.D. Cal.	Individuals	Industry (Utility)	Other Federal Statute (Securities Act of 1933/Securities Exchange Act of 1934)	Climate Misinformation and Disclosures	Securities class action against utility company in Southern California alleging misrepresentations regarding exposure to wildfire risk.
Board of County Commissioners of Boulder County v. Suncor Energy (U.S.A.), Inc.	D. Colo.	Local/Regional Gov Entity	Industry (Fossil Fuel Companies)	Clean Air Act (CAA); Tort Law (Nuisance, Trespass, Conspiracy); State Law (Unjust Enrichment, Colorado Consumer Protection Act)	Fossil Fuel Co. Liability	Action by Colorado local governments seeking damages and other relief from fossil fuel companies for climate change harms.
California v. EPA	N.D. Cal.	Local/Regional Gov Entity	EPA	Clean Air Act (CAA)	Landfill Emissions	Action to compel EPA to implement and enforce emission guidelines for existing municipal solid waste landfills.
Center for Biological Diversity v. EPA	D. Or.	Intl/Natl Envt NGO	EPA	APA, CWA	Impacts on Land, Water, & Wildlife	Lawsuit alleging that EPA violated Clean Water Act by failing to identify waters off the coast of Oregon as impaired by ocean acidification.
City of New York v.	2d Cir.	Local/Regional	Industry (Fossil	State Law (Public and	Fossil Fuel Co.	Action brought by New

BP p.l.c.		Gov Entity	Fuel Companies)	Private Nuisance, Trespass)	Liability	York City against fossil fuel companies seeking damages for climate change-related injuries.
de Mejias v. Malloy	D. Conn.	Local/Regional Env'tl NGO, Other NGO; Individuals	Local/State Gov Entity	Constitutional Law (Fourteenth Amendment – Equal Protection, Contracts Clause); State Law (Connecticut General Statutes-Public Service Companies, Connecticut Sales and Use Tax Statute, Promissory Estoppel, Connecticut State Constitution)	Power Plants, Renewables, & Energy Efficiency	Challenge to Connecticut's transfer of funds collected from ratepayers and held by utilities for clean energy and energy efficiency purposes to Connecticut's General Fund.
King County v. BP p.l.c.	W.D. Wash.	Local/Regional Gov Entity	Industry (Fossil Fuel Company)	Tort Law (Common law: Nuisance, Trespass)	Fossil Fuel Co. Liability	Public nuisance and trespass action brought by King County in Washington State against fossil fuel companies seeking funding of climate change adaptation program
Mayor & City Council of Baltimore v. BP p.l.c.	D. Md.	Local/Regional Gov Entity	Industry (Fossil Fuel Company)	Tort Law (Nuisance, Negligence, Trespass, Strict Liability), Maryland Consumer Protection Act	Fossil Fuel Co. Liability	
New York City Employees' Retirement System	S.D.N.Y.	Local/Regional Gov Entity	Industry (Aerospace Company)	Securities Act of 1933/Securities Exchange Act of 1934	Climate Misinformation and	Lawsuit by New York City pension funds to compel aerospace company to

v. TransDigm Group, Inc.					Disclosures	include climate change-related shareholder proposal in its proxy materials.
New York v. Pruitt	D.D.C.	Local/Regional Gov Entity	EPA	APA, Clean Air Act (CAA)	Fossil Fuel Extraction, Processing, & Transport	Action to compel EPA to promulgate emission guidelines for methane from existing sources in the oil and gas sector.
Pacific Coast Federation of Fishermen's Associations, Inc. v. Chevron Corp.	N.D. Cal.	Industry Trade Group (Commercial Fishing Association)	Industry (Fossil Fuel Company)	Tort Law (Nuisance, Negligence, Strict Liability)	Fossil Fuel Co. Liability	Action by a commercial fishing industry trade group to hold fossil fuel companies liable for adverse climate change impacts to the ocean off the coasts of California and Oregon that resulted in "prolonged closures" of Dungeness crab fisheries.
People of the State of New York v. Exxon Mobil Corporation	N.Y. Sup. Ct.	Local/Regional Gov Entity	Industry (Fossil Fuel Company)	Tort Law (Fraud), State Claims (New York Martin Act, New York Executive Law § 63(12))	Climate Misinformation and Disclosures	Action alleging fraudulent scheme by Exxon Mobil Corporation to deceive investors about the company's management of risks posed by climate change regulation.
Rhode Island v. Chevron Corp.	D.R.I.	Local/Regional Gov Entity; Intl/Natl Envntl NGO, Tribal Envntl NGO, Regional Envntl NGO	Industry (Fossil Fuel Company)	Tort Law (Common Law-Nuisance, Common Law—Negligence, Common law—Trespass, Common law—Strict Liability), State	Fossil Fuel Co. Liability	State of Rhode Island lawsuit seeking to hold fossil fuel companies liable for causing climate change impacts that adversely affect Rhode Island and jeopardize State-owned or -operated

				Claims (Rhode Island Constitution, Public Trust Doctrine, Rhode Island State Environmental Rights Act)		facilities, real property, and other assets.
Sound Action v. U.S. Army Corps of Engineers	W.D. Wash.	Local/Regional Env'tl NGO	USACE	APA, CWA	Impacts on Land, Water, & Wildlife	Lawsuit challenging the U.S. Army Corps of Engineers decision to reject a recommended change to the "high tide line" used by the Seattle District to determine the scope of its Section 404 jurisdiction.
WildEarth Guardians v. Chao	D. Mont.	Intl/Natl Env'tl NGO	Fed Gov (DOT, Pipeline and Hazardous Materials Safety Administration)	MLA	Fossil Fuel Extraction, Processing, & Transport	Lawsuit alleging that the Department of Transportation and Pipeline and Hazardous Materials Safety Administration unlawfully failed to cause annual examinations of oil and gas pipelines on public lands.
Willmeng v. City of Thornton	D. Colo.	Individuals	Local/State Gov (Municipal)	Constitution (First Amendment)	Speech or Protest Related to Fossil Fuels	First Amendment lawsuit brought by two Colorado residents against Colorado city and its mayor pro tem for blocking their comments about hydraulic fracturing.

Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2017)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
Alliance of Automobile Manufacturers v. EPA	D.C. Cir.	Industry Trade Group	EPA	Administrative Procedure Act (APA), Clean Air Act (CAA)	Vehicle Emissions & Fuels	Challenge to Obama administration's Final Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards Under the Midterm Evaluation
American Bird Conservancy v. Disbrow	D.D.C.	Local or Regional Group, Other National NGO	DOI, USFWS, U.S. Air Force; State-Level Entity (Ohio Air National Guard)	Administrative Procedure Act (APA), Bald and Golden Eagle Protection Act, Endangered Species Act (ESA), National Environmental Policy Act (NEPA), Migratory Bird Treaty Act	Power Plants, Renewables, & Energy Efficiency	Challenge by two bird conservation groups to a wind turbine project sponsored by the Ohio Air National Guard at Camp Perry in Ottawa County, Ohio.
Coffeyville Resources Refining & Marketing, LLC v. EPA	D.C. Cir.	Industry (Refineries and Energy Companies)	EPA	Clean Air Act (CAA)	Vehicle Emissions & Fuels	Challenge to EPA's final Renewable Fuel Standards for 2017 and Biomass-Based Diesel Volume for 2018.

Constitution Pipeline Co. v. Federal Energy Regulatory Commission	D.D.C., FERC	Industry (Pipeline Company)	NY State Dept. of Environmental Conservation	Clean Water Act (CWA), Natural Gas Act	Fossil Fuel Extraction & Transport	Petition seeking declaratory order that the New York State Department of Environmental Conservation had waived jurisdiction over water quality certificate for interstate natural gas pipeline project.
Competitive Enterprise Institute v. U.S. Department of State	D.D.C.	Conservative NGO	Dept. of State	Freedom of Information Act (FOIA)	Government Records or Communications	Action to compel production of U.S. Department of State officials' correspondence regarding climate negotiations.
Competitive Enterprise Institute v. U.S. Department of State	D.D.C.	Conservative NGO	Dept. of State	Freedom of Information Act (FOIA)	Government Records or Communications	Freedom of Information Act lawsuit filed against the Department of State seeking correspondence of two employees' regarding the Paris Agreement.
Electric Power Supply Association v. Star	N.D. Ill. ; 7th Cir.	Industry (Companies), Industry Trade Group, Citizens, Municipality	State: Director of the Illinois Power Agency	Constitutional: (Fifth Amendment, Commerce Clause, Supremacy Clause), Illinois Future Energy Jobs Act	Power Plants, Renewables, and Energy Efficiency	Challenge to Illinois law that created a Zero Emissions Credit program allegedly to support uneconomic nuclear plants.
Energy &	D.D.C.	Conservative NGO	Dept. of State	Freedom of	Government	Action to compel disclosure of

Environment Legal Institute v. United States Department of State				Information Act (FOIA)	Records or Communications	State Department communications regarding climate change negotiations with China
Energy Transfer Equity, L.P. v. Greenpeace International	D.N.D.	Industry (Pipeline Developer)	Environmental Group and Citizens	Racketeer Influenced and Corrupt Organizations (RICO)	Speech or Protest Related to Fossil Fuels	Racketeer Influenced and Corrupt Organizations (RICO) action by Dakota Action Pipeline developers against Greenpeace and other organizations.
Ergon-West Virginia, Inc. v. EPA	4th Cir.	Industry (Fossil Fuel Company)	EPA	CAA, Energy Policy Act of 2005	Vehicle Emissions & Renewable Fuels	Challenge to EPA's denial of a small refinery exemption from the Renewable Fuel Standard program.
General Land Office of State of Texas v. U.S. Fish & Wildlife Service	W.D. Tex	Local or State Gov Entity	USFWS, DOI	ADA, ESA, NEPA	Impacts on Land, Water, & Wildlife	Lawsuit challenging continued listing of golden-cheeked warbler as an endangered species.
Marshall County Coal Co. v. Oliver	W. Va. Cir. Ct., N.D. W. Va.	Industry (Coal Companies and Coal Executive)	Citizen, Company	Tort Law (Defamation)	Speech or Protest Related to Fossil Fuels	Defamation action brought by coal companies and coal executive for statements made on the television show Last Week Tonight with John Oliver.
Mexichem Fluor, Inc. v. EPA	D.C. Cir.	Industry(HFC Manufacturer)	EPA	Clean Air Act (CAA)	Appliance, Industrial, and	Challenge to 2016 rule expanding the scope of 2015

					Building Standards	regulations that classified hydrofluorocarbons (HFCs) and HFC blends as unacceptable for certain uses pursuant to the Significant New Alternatives Program (SNAP) under Clean Air Act Section 612.
Millennium Bulk Terminals-Longview, LLC v. Washington State Department of Ecology	Wash. PCHB	Industry (Coal Developer)	State Agency: WA Dept. of Ecology	Clean Water Act (CWA), Constitution (Supremacy Clause, Commerce Clause, Fourteenth Amendment)	Fossil Fuel Extraction & Transport	Administrative appeal of denial of application for water quality certification for coal terminal in Washington State.
Millennium Bulk Terminals-Longview, LLC v. Washington State Department of Ecology	Wash. Super. Ct.	Industry (Coal Developer)	State Agency: WA Dept. of Ecology	Clean Water Act (CWA), Constitution (Supremacy, Fourteenth Amendment)	Fossil Fuel Extraction & Transport	Challenge to denial of water quality certificate for coal terminal.
Millennium Pipeline Co. v. Seggos	N.D.N.Y.	Industry (Pipeline Company)	State Agency: NY Dept. of Env'tl Conservation	Constitution (Supremacy Clause), Natural Gas Act	Fossil Fuel Extraction & Transport	Action seeking declaratory judgment that federal law preempted state environmental permitting requirements for gas pipeline project and also seeking to enjoin enforcement of state permitting requirements to

						interfere with project.
National Electrical Manufacturers Association v. United States Department of Energy	4th Cir.	Industry Trade Group	DOE	Energy Policy and Conservation Act (EPCA), Energy Independence & Security Act (EISA)	Appliance, Industrial, and Building Standards	Challenge to energy efficiency standards for lamps.
National Environmental Development Association's Clean Air Project v. EPA	D.C. Cir.	Industry Trade Group	EPA	Clean Air Act (CAA)	Appliance, Industrial, and Building Standards	Challenge to EPA's updates to refrigerant management requirements.
Turning Point USA (TPUSA) v. Macomb Community College	E.D. Mich.	Citizens	University	Constitutional (1st Amendment, 14th Amendment)	Speech or Protest Related to Fossil Fuels	Lawsuit brought by students against community college alleging that the college violated the students' free speech and equal protection rights by barring them from engaging in expressive activity to promote fossil fuels without prior approval.

Deregulating, Undermining Climate Protections, or Targeting Climate Protections Supporters (2018)						
Case	Court	Plaintiff or Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
Argos Properties II, LLC v. City	Va. Cir.	Industry (Developer)	Local/State	U.S. Constitution (Fourteenth	Resilient Infrastructure &	Developer's lawsuit challenging City of Virginia

Council for Virginia Beach	Ct.		Gov Entity	Amendment— Equal Protection), Virginia Planning, Subdivision of Land and Zoning Law	Development	Beach's denial of application to rezone property for residential development on the grounds that the developer failed to account for sea level rise in its stormwater analysis.
Competitive Enterprise Institute v. U.S. Department of State	D.D.C.	Conservative NGO	State Dept.	FOIA	Government Records or Communications Request	Freedom of Information Act lawsuit seeking Department of State records regarding international climate change negotiations
In re Exxon Mobil Corp.	Tex. App.	Industry (Fossil Fuel Company)	Local/State Gov Entity	Constitution (First Amendment), State Law (Common Law - Abuse of Process, Texas Constitution)	Fossil Fuel Co. Liability	Exxon Mobil Corporation petition seeking pre-suit depositions and documents in anticipation of potential claims of abuse of process, conspiracy, infringement of Exxon's rights in connection with California municipalities' climate change lawsuits.
Institute for Energy Research v. U.S. Department of the Treasury	D.D.C.	Conservative NGO	Treasury Dept.	FOIA	Government Records or Communications Request	Freedom of Information Act lawsuit seeking to compel the Department of the Treasury to respond to request for correspondence regarding climate change financial disclosures.
Lighthouse	W.D.	Industry (Company)	Local/State	Constitution	Fossil Fuel	Action against Washington

Resources Inc. v. Inslee	Wash.		Gov Entity	(Commerce Clause, Supremacy Clause), Other Stat (Interstate Commerce Commission Termination Act of 1995 (ICCTA), Ports and Waterways Safety Act)	Extraction, Processing, & Transport	State officials for allegedly taking unlawful actions to block coal export terminal.
Millennium Bulk Terminals Longview, LLC v. Washington State Department of Ecology	Wash. Super. Ct.	Industry (coal export developer)	Local/State Gov Entity	CWA, Constitutional (Fourteenth Amendment— Equal Protection, Fourteenth Amendment— Due Process), State Claims	Fossil Fuel Extraction, Processing, & Transport	Lawsuit challenging Washington Department of Ecology's denial of water quality certification for coal export terminal and alleging denial was based on improper grounds.
The Two Hundred v. California Air Resources Board	Cal. Super. Ct.	Individuals	Local/State Gov Entity	Constitution (Fourteenth Amendment— Equal Protection, Due Process), Federal Housing Act; State Claims	State GHG Reduction Measures	Lawsuit alleging that provisions of 2017 scoping plan under the Global Warming Solutions Act are unlawful, unconstitutional, and exacerbate poverty.

Cases Filed Prior to 2017 and Held in Abeyance in 2017						
Case	Court	Plaintiff/Petitioner Type	Defendant	Principal Federal Law(s)	Sector	Summary
American Petroleum Institute v. EPA	D.C. Cir.	State Government Entity, Industry Trade Group or Association	EPA	Clean Air Act (CAA)	Fossil Fuel Extraction & Transport	Challenge to new source performance standards for oil and gas sector.
National Waste & Recycling Association v. EPA	D.C. Cir.	Industry Trade Group, Private Companies	EPA	Clean Air Act (CAA)	Landfill Emissions	Challenge to emission guidelines for municipal solid waste landfills.
North Dakota v. EPA	D.C. Cir.	Industry Trade Group or Association, Industry (Companies), Conservative NGO, States, Chamber of Commerce, and Others	EPA	Clean Air Act (CAA)	Power Plants, Renewables, and Energy Efficiency	Challenge to EPA's performance standards for greenhouse gas emissions from new, modified, and reconstructed power plants.
Truck Trailer Manufacturers Association, Inc. v. EPA	D.C. Cir.	Industry Trade Group	EPA	Clean Air Act (CAA), Energy Independence & Security Act (EISA)	Vehicle Emissions & Fuels	Challenge to greenhouse gas emissions and fuel efficiency standards for medium- and heavy-duty engines and vehicles.
West Virginia v. EPA	D.C. Cir.	State Government Entity, Industry (companies and utilities), Industry Trade Group, Union, the U.S. Chamber of Commerce, Conservative NGO	EPA	Administrative Procedure Act (APA), Clean Air Act (CAA)	Power Plants, Renewables, and Energy Efficiency	Challenge to EPA's final Clean Power Plan rule.

APPENDIX D: 2017 – 2018 LITIGATION MATTERS NOT INCLUDED IN THE ANALYSIS

These tables contain cases and other legal matters that were excluded from the dataset because they were either 1) focused on state or local law, 2) irrelevant to deregulation, or 3) not litigation matters before a court. The case summaries are taken from the Sabin-AP U.S. Climate Change Litigation database available at <http://climatecasechart.com/us-climate-change-litigation/>.

Cases Primarily of State or Local Significance (2017)	
Case	Summary
Alliance for the Great Lakes v. Illinois Department of Natural Resources	Challenge to authorization of diversion of water from Lake Michigan by the Metropolitan Water Reclamation District of Greater Chicago.
California Sportfishing Protection Alliance v. California Department of Water Resources	Challenge under CEQA to the WaterFix diversion project for the San Francisco Bay-Delta estuary.
Center for Biological Diversity v. City of San Bernardino Municipal Water Department	Lawsuit Filed Challenging Water Project in San Bernardino. Center for Biological Diversity and San Bernardino Valley Audubon Society filed a lawsuit challenging the California Environmental Quality Act (CEQA) review for the “Clean Water Factory Project” approved by the City of San Bernardino. The petition alleged that the project would divert up to 22 million gallons of treated water per day from the Santa Ana River. The petition asserted numerous failures in the environmental review for the project, including a failure to adequately disclose, analyze, and mitigate the project’s significant and cumulative impacts to air quality and greenhouse gas emissions.
Citizens for a Responsible Caltrans Decision v. California Department of Transportation	Challenge to highway interchange project in San Diego.
Citizens for the Regents Road Bridge, Inc. v. City of San Diego	Group Challenged San Diego’s Removal of Bridge Project from Planning Document. A nonprofit group filed a lawsuit challenging the CEQA review for the City of San Diego’s removal of a bridge project from a community plan. The group said that the CEQA review failed to adequately disclose and analyze environmental impacts, including significant adverse impacts on greenhouse gas emissions.
Cleveland National Forest Foundation v. County of San	Challenge to the Forest Conservation Initiative Amendment to the San Diego

Diego	County general plan.
Columbia Pacific Building Trades Council v. City of Portland	Challenge to Portland zoning amendments restricting fossil fuel terminals.
Columbia Riverkeeper v. Cowlitz County	Challenge to permits for methanol manufacturing and shipping facility.
Energy & Environmental Legal Institute v. Attorney General of New York	Action to compel production of New York attorney general's correspondence with Vermont attorney general using private email account.
Harris County v. Arkema, Inc.	Proceeding by Texas county alleging that chemical manufacturer that operated facility that flooded and where chemicals ignited during Hurricane Harvey violated local floodplain regulations and state air and water laws.
In re Millennium Bulk Terminals – Longview, LLC Shoreline Permit Applications	Challenge to denial of shoreline permits for proposed coal terminal.
Mission Hills Heritage v. City of San Diego	Challenge to the City of San Diego's approval of a community plan update.
National Audubon Society v. Humboldt Bay Harbor, Recreation & Conservation District	Challenge to environmental review for expansion of shellfish aquaculture area in Humboldt Bay.
New England Power Generators Association v. Massachusetts Department of Environmental Protection	Challenge to Massachusetts regulations establishing emissions limits for electricity generating facilities.
Sierra Club v. California Public Utilities Commission	Challenge to inclusion of fossil fuel-fired resources in distributed energy procurement program.
Sierra Club v. County of San Diego	Challenge to the Forest Conservation Initiative Amendment to the San Diego County general plan.
Sinnok v. Alaska	Lawsuit contending that Alaska state Climate and Energy Policy violated youth plaintiffs' rights under the state constitution.

Cases Irrelevant to National Deregulation for Other Reasons (2017)	
Case	Summary
Jacobson v. National Academy of Sciences	Action brought by scientist against journal and another scientist in connection with publication of article critiquing plaintiff-scientist's work.

Database Items Not Yet Before a Court (2017)	
Case	Summary
Letter from American Democracy Legal Fund to Comptroller General of the United States Requesting Pruitt Investigation	Request for investigation into whether EPA Administrator Scott Pruitt's communications were misuse of appropriated funds.
Petition to List the Giraffe Under the Endangered Species Act	Request to list the giraffe under the Endangered Species Act.
Petition for Rulemaking Seeking Amendment of Locomotive Emission Standards	Rulemaking petition to EPA from California Air Resources Board seeking more stringent emission standards for locomotives and locomotive engines.
Petition for Reconsideration of Application of the Final Rule Entitled “Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2 Final Rule” to Gliders	Petition seeking reconsideration of application of greenhouse gas and fuel efficiency standards for medium- and heavy-duty engines and vehicles to "gliders" (i.e., certain types of rebuilt vehicles).
Center for Biological Diversity, Notice of Violations for Hilcorp’s Pipeline Leak in the Cook Inlet, Alaska	Threatened legal action in connection with leaking natural gas pipeline in the Cook Inlet off the Alaskan coast.
Clean Air Act Notice of Intent to Sue for Failure to Establish Guidelines for Standards of Performance for Methane Emissions from Existing Oil and Gas Operations	Threatened lawsuit against EPA for failing to regulate methane emissions from existing oil and gas sources.
Notice of Intent to Sue EPA for Failure to Promulgate Emission Guidelines for Methane and VOC Emissions from the Oil and Gas Sector	Threatened litigation against EPA for failing to regulate methane and volatile organic compound emissions from the oil and gas sector.
Petitions Seeking Reconsideration of EPA’s 2009 Endangerment Finding for Greenhouse Gases	Rulemaking petitions seeking to undo 2009 endangerment finding for greenhouse gases.
Sierra Club Complaint to EPA Inspector General regarding Violation of Scientific Integrity Policy by Administrator Scott Pruitt	Complaint to EPA inspector general alleging that EPA Administrator Scott Pruitt's statements violated the agency's Scientific Integrity Policy.
Rule 14a-8 No-Action Request from Apple, Inc. Regarding Shareholder Proposal of Sustainvest Asset Management, LLC	Request for no-action response from SEC regarding shareholder proposal asking Apple to produce a report assessing the climate benefits and feasibility of adopting requirements that all retail locations implement a policy to keep store doors closed.
Rule 14a-8 No-Action Request from Apple, Inc.	Request for no-action response from SEC regarding shareholder proposal asking

Regarding Shareholder Proposal of Christine Jantz	Apple to prepare a report evaluating the potential for Apple to achieve net-zero emissions of greenhouse gases.
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Cases Primarily of State or Local Significance (2018)	
Case	Summary
Aji P. v. State of Washington	Action by young people under 18 years of age claiming that the State of Washington and state agencies and officials violated plaintiffs' rights by creating and maintaining fossil fuel-based transportation and energy systems.
California Fueling, LLC v. Best Energy Solutions & Technology Corp.	Lawsuit alleging conspiracy and fraud by defendants who produced and marketed an additive to reduce nitrogen oxides emissions associated with biodiesel.
California Native Plant Society v. County of San Diego	Challenge to San Diego County approvals for residential and commercial development project.
Center for Biological Diversity v. U.S. Fish & Wildlife Service	Lawsuit seeking to compel designation of critical habitat for western yellow-billed cuckoo.
Competitive Enterprise Institute v. Regents of the University of California	Lawsuit seeking correspondence and other records of UCLA Law School professors in connection with alleged work with outside parties to develop legal cases against opponents of climate change regulation.
Free Market Environmental Law Clinic, PLLC v. Schnare	Lawsuit against founder by limited liability company that pursued freedom of information law requests and litigation in connection with state attorneys general climate change investigations.
Friends of the River v. Delta Stewardship Council	Challenge to amendments to the Delta Plan for long-term management of the Sacramento-San Joaquin Delta.
Hawai'i Solar Energy Association v. Department of Business, Economic Development and Tourism	Challenge to Hawai'i's implementation of a law mandating inclusion of solar water heaters in new single-family homes.
Leach v. Reagan	Challenge to constitutional amendment initiative that would required 50% of all electricity sales to come from renewable energy.
United States v. Aux Sable Liquid Products LP	Clean Air Act enforcement action against natural gas processing plant in Illinois.

Reynolds v. Florida	Action by eight young people asserting that the State of Florida and its agencies and officials violated fundamental rights to a stable climate system under Florida common law and the Florida constitution.
Sierra Club v. City of Fontana	Challenge to City of Fontana's approval of the Southwest Fontana Logistics Project, which involves development of two industrial warehouse buildings totaling approximately 1.6 million square feet on 73.3 acres.
Sierra Club v. County of San Diego	Environmental groups' challenge to San Diego County's Climate Action Plan.
Sierra Club v. Talen Energy Corp.	Citizen suit against owner-operators of power plant in Pennsylvania.
Sierra Club v. County of Tulare	Challenge to San Diego County's approval of residential developments, allegedly without complying with requirements for enforceable measures to mitigate greenhouse gas emissions.
Sierra Club v. County of Tulare	Challenge to environmental review for Animal Confinement Facilities Plan, Dairy Feedlot and Dairy Climate Action Plan, and related actions approved by Tulare County in California to streamline approval process for dairies.
Smith v. Keurig Green Mountain, Inc.	Class Action Filed in California Court Alleging Misrepresentation of Recyclability of Single-Serve Coffee Pods.