



FIVE EXAMPLES OF BRETT KAVANAUGH'S EXTREME RECORD ON THE ENVIRONMENT

Donald Trump's Supreme Court nominee Brett Kavanaugh's anti-environmental, anti-public health record shows that he will not protect and defend fundamental clean air, clean water and climate safeguards that are vital to the health of people across this country. In decision after decision, Kavanaugh has shown that he will back the right of corporations and millionaires to pollute over the right of the public to breathe clean air, drink clean water, and live in safe, healthy communities. With Kavanaugh, an extremist Supreme Court will threaten our nation's bedrock public health and environmental laws—like the Clean Air Act, the Clean Water Act, and the Endangered Species Act.

Here are just five cases that demonstrate Brett Kavanaugh's extreme record on the environment:

1. WHITE STALLION ENERGY CTR., LLC V. EPA (2014)

The 2014 *White Stallion Energy Ctr., LLC v. EPA* case upheld the EPA's first emission standards for mercury and other harmful air pollutants from coal and oil-fired power plants. Kavanaugh's constant siding with industry officials is apparent in this case, in which he stuck to his pattern of opposing federal environmental safeguards by using costs-to-industry arguments to invalidate fundamental EPA clean air and water protections. Despite the EPA's findings of dangerous health effects of mercury exposure which justify these mercury safeguards, Kavanaugh dissented from the majority and argued against the rule on the false premise that EPA completely ignored costs. Later in 2015, conservative justices on the Supreme Court agreed with Kavanaugh in a 5-4 decision in *Michigan v. EPA*.

2. EME HOMER CITY GENERATION, L.P. V. E.P.A. (2015)

In 2015, Kavanaugh wrote an opinion overturning an EPA rule aimed at controlling the vexing problem of air pollution drifting across state lines, also known as the Good Neighbor Rule. This rule would have lowered sulfur dioxide emissions by 73 percent and nitrogen oxide emissions by 54 percent, and prevented 34,000 premature

deaths. Kavanaugh's opinion reflects his disposition to dismantle EPA's ability to tighten environmental standards, delivering a major blow to communities suffering from upwind polluters.

3. MEXICHEM FLUOR, INC. V. EPA (2017)

In the 2017 court case *Mexichem Fluor Inc. v. EPA*, Kavanaugh demonstrated his consistent inclination to block the authority of the EPA and invalidate crucial environmental safeguards. In this case, Kavanaugh ruled that the EPA cannot require companies to replace potent heat-trapping chemicals, hydrofluorocarbons (HFCs), with other substances.

4. MINGO LOGAN COAL CO. V. EPA (2016)

The 2016 court case *Mingo Logan Coal Co v. EPA* underscored Kavanaugh's insistence on prioritizing costs to industry over costs to safety and human and environmental health. Undeterred by studies that concluded dumping waste from mountaintop removal coal mining into streams would have an "unacceptable adverse effect" to the environment, Kavanaugh dissented from a majority conservative opinion that affirmed EPA's revocation of the company's permit to dump waste. He faulted the EPA for not engaging in a cost-benefit analysis before revoking the permit. Kavanaugh's opinion, which the court did not adopt, would have allowed the company to continue devastating waterways and wildlife upon which local Appalachian communities depend upon.

5. COALITION FOR RESPONSIBLE REGULATION, INC. V. EPA (2012)

In the 2012 court case *Coalition for Responsible Regulation, Inc. v. EPA*, Kavanaugh dissented from a denial of rehearing, questioning the EPA's authority to safeguard the American people from climate pollution under the Clean Air Act. This case raises the serious question of whether Kavanaugh believes the EPA has the authority to establish safeguards that protect us from catastrophic climate change.

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