

U.S. Faces New Suits on Climate From Left and Right

by Eli Kintisch - June 23, 2011

Lawyers at NASA and the Environmental Protection Agency (EPA) are girding to defend the government against new lawsuits on climate change, coming from opposite ends of the ideological spectrum

A conservative organization called the American Tradition Institute (ATI) announced Tuesday that it had sued the space agency in federal court to force it to produce records related to the activities of climate scientist James Hansen. The institute said Hansen, director of the Goddard Institute for Space Studies in New York City, has received \$1.2 million in prize awards from environmental and civil service groups in recent years for his outspoken advocacy on climate. “Under federal statutes and NASA rules, employees may not privately benefit from their public office,” ATI said in a press release. “ATI’s request seeks official documents which, if they exist, would inform the public about NASA’s and Dr. Hansen’s adherence to these ethics rules. Considering the records already obtained and the public record, compliance by NASA and Dr. Hansen is in doubt.”

NASA headquarters declined to comment, and Hansen and his spokesperson did not respond to requests for comment. Meanwhile, environmentalists yesterday announced their intent to sue EPA to force it to regulate emissions of black carbon, an element of soot.

The groups plan to ask the agency to act on a petition, filed last year, that would set water quality standards for black carbon in glaciers, where the pollutant lands and accelerates melting. A recent report by the United Nations underscored the role of black carbon and other non-CO₂ greenhouse gases in climate.

“Black carbon is both hazardous to human health and a potent global warming pollutant that’s speeding up the melt of Arctic sea ice and glaciers around the world,” attorney Matt Vespa with the Center for Biological Diversity in San Francisco, California, said in a press release announcing the center’s plans. “The EPA has a duty to use the Clean Water Act to help reduce this dangerous pollutant.”

The agency has not responded to the threat of the suit or, to date, addressed the issue of black

carbon as a water pollutant. But Vespa told ScienceInsider that he expects a response from EPA on the original petition in several weeks.

Along with the government, industries have also come under increased legal attack in recent years; here’s a primer ScienceInsider published earlier this year on the crowded legal landscape around climate change. And this week the U.S. Supreme Court handed down a decision that removes one potential litigious weapon from the climate fray. The high court ruled Monday that industrial greenhouse gas emitters cannot be sued in so-called common law “nuisance” suits.