

Supreme Court Agrees to Hear Global Warming Case

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WASHINGTON (AP) - The U.S. Supreme Court agreed Monday to consider whether the Bush administration must regulate carbon dioxide to combat global warming, setting up what could be one of the court's most important decisions on the environment.

A dozen states, a number of cities and various environmental groups asked the court to take up the case after a divided lower court ruled against them.

They argue that the Environmental Protection Agency is obligated to limit carbon dioxide emissions from motor vehicles under the federal Clean Air Act because as the primary "greenhouse" gas causing a warming of Earth, carbon dioxide is a pollutant.

The White House contends that carbon dioxide - unlike other chemicals that must be controlled to assure healthy air - is not a pollutant under the federal clean air law, and that even if it were the EPA has discretion over whether to regulate it.

A federal appeals court sided with the administration in a sharply divided ruling.

One judge said the EPA's refusal to regulate carbon dioxide was contrary to the clean air law. Another said that even if the Clean Air Act gave the EPA authority over the heat-trapping gas, the agency could choose not to use that authority. A third judge ruled against the suit because, he said, the plaintiffs had no standing because they hadn't proven harm.

Carbon dioxide, which is released when burning fossil fuels such as coal or gasoline, is the leading man-made "greenhouse" gas because it drifts into the atmosphere where it traps the Earth's heat - much like a greenhouse.

Many scientists cite growing evidence that this pollution is warming the Earth to a point of beginning to change global climate.

At the heart of the climate debate is whether carbon dioxide releases should be controlled by emission caps on power plants and requiring motor vehicles to become more fuel efficient, therefore burning less fuel and producing less carbon dioxide.

President George W. Bush, when first running for president, expressed support for regulating carbon dioxide, but he reversed himself shortly after getting into office - saying he was convinced that voluntary plans to curtail carbon were a better way to go and that mandatory regulation would be too expensive for business.

In 2003, the EPA's top lawyer concluded that the agency lacked the authority to regulate carbon dioxide under the Clean Air Act, reversing a legal opinion issued several years earlier by the Clinton administration and prompting the lawsuit.

