

# Environmental Justice

- ⚠️ Trump-appointed judges consistently rule **for polluters**, which is, of course, in line with the broader custom of **Trump judges constantly aligning with the wealthy and powerful** at the cost of America's communities and individuals.
- ⚠️ These judges are helping Big Oil's campaign to **block climate action** and **undermine our right to a clean environment**, putting people's health and future at risk.
- ⚠️ These same judges are consistently undermining the Environmental Protection Agency's (EPA) ability to ensure people have access to clean air and water.

## The Cases

### 1 *City and County of San Francisco v. Environmental Protection Agency (EPA)*

On March 4, 2025, the conservative majority on the Supreme Court severely **curtailed** the EPA's ability to protect individuals from pollution and contamination – or in other words, ensure access to clean water.

**What Happened?** Congress passed the Clean Water Act to grant the EPA the authority to create reasonable requirements, such as permit mandates, for entities wishing to discharge pollutants into U.S. waters. The city of San Francisco challenged the EPA's authority, and the Supreme Court ruled in San Francisco's favor, gutting the EPA's ability to keep our waters clean.

**Impact:** Before this ruling, the EPA reported that **nearly half** of the nation's lakes and rivers are too polluted for basic activities like swimming, fishing, or drinking. This decision is likely to worsen these existing problems and directly put public health at risk, while many communities across the country are already dealing with **contaminated drinking water**.

### 2 *Ohio v. EPA*

The conservative majority on the Supreme Court also **hindered** one of the EPA's key efforts to tackle the climate crisis. The decision stalled the groundbreaking and essential efforts by the EPA to curtail the production of deadly air pollution, which will greatly exacerbate health issues.

**What Happened?** In 2023, the EPA introduced the "**Good Neighbor Plan**," which allowed the agency to regulate air pollution by requiring upwind states (e.g., Ohio, Indiana, West Virginia) to reduce their emissions to prevent pollution in downwind states. This plan was expected to prevent hundreds of premature deaths, millions of asthma attacks, and thousands of emergency room visits by 2026. However, the upwind states sued the EPA to block the plan. The Supreme Court's conservative majority sided with the upwind states, putting the health of millions in jeopardy.

**Impact:** The ultra-conservative majority on the Supreme Court has repeatedly weakened the EPA's ability to protect our environment, including ensuring access to clean air and water. This ongoing hostility towards the EPA will have serious **consequences for public health**. Simply put, the continued rollback of environmental protections will result in the unnecessary death of countless Americans.

### 3 **Sackett v. EPA**

In 2023, the Supreme Court significantly **weakened the Clean Water Act** by determining, without scientific support, which wetlands should be protected from pollution and destruction. In an opinion authored by Justice Alito, the court dealt a major blow to the EPA's regulatory authority, siding with big industries that sought to avoid accountability for their pollution and to destroy wetlands and waterways for monetary gain.

**What Happened?** The Sacketts sought to develop a property near a lake, but in 2007, the EPA halted the construction, citing the presence of a federally protected wetland under the Clean Water Act. The EPA ordered the couple to stop building unless they obtained a permit. Backed by conservative special interests, the Sacketts sued in 2008, arguing the wetland wasn't protected since it was separated by dry land, and the case eventually reached the Supreme Court.

**Impact:** The Clean Water Act, in the "**least-damaging scenario**," will no longer protect roughly 19 million acres of wetlands — an area the size of South Carolina. Across the country, water challenges are growing, with climate change drying up certain regions and some areas experiencing historic droughts. Additionally, it's not just climate change — rapid urbanization and agricultural expansion are depleting groundwater in many regions. It has only been two years since the conservative majority's decision, and the **impacts** are already becoming clear.

## The Bigger Picture

### The Courts Are Rigged Against Us

Right-wing organizations like the Federalist Society and the Article III Project have actively partnered with major oil and gas companies to weaken regulations that protect Americans' access to clean air and water and, in turn, endangers their health. **The right's goal is clear: to diminish the power of the EPA**, reducing it to merely an advisory body instead of an agency with real authority. Ultimately, these efforts are driven by the interests of big polluters, which seek to avoid accountability and protect their profits. It's no coincidence that many Trump-appointed judges come from large law firms that represent these companies — by securing lifetime appointments, these industries gain long-term allies in the judiciary.

## Why This Matters to You

### How Trump Judges Are Setting Back Racial Justice and Endangering Immigrants

- Climate change is a threat to us all, and its resulting destruction will only worsen. If the federal government lacks the authority to tackle it, America's communities will bear the consequences.
- Clean air and water are vital to our health. Without strong protections, pollutants will contaminate both, exposing us to an endless range of respiratory, physical, and mental health issues — affecting us, our children, and future generations.
- The courts are setting dangerous precedents. If they block the EPA's authority or fail to hold the oil and gas industry accountable, we may face decades, if not centuries, of inaction.
- Climate change is catching communities off guard and causing extensive destruction, directly causing disasters we've never faced before. It only takes one event for you to go from watching the crisis on the news to experiencing it firsthand.

### What You Can Do



- Spread the word: Share this fact sheet to educate your communities.
- Hold lawmakers accountable: Demand senators reject any nominees who will protect the wealthy and powerful over the rights of all of us.
- Support organizations like AFJ that are fighting back.