



Institute for
Policy Integrity

NEW YORK UNIVERSITY SCHOOL OF LAW

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COURT RULES AGAINST BUREAU OF LAND MANAGEMENT’S INADEQUATE CONSIDERATION OF CLIMATE EFFECTS

Today, the U.S. Court of Appeals for the 10th Circuit [ruled](#) that the Bureau of Land Management (BLM) violated the National Environmental Policy Act (NEPA) by providing an inadequate analysis of the likely climate impacts from four coal leases. The unanimous decision states that the agency’s review was “irrational” because it relied on the flawed notion of perfect substitution, assuming that fewer coal leases on public land would merely lead to more coal mining elsewhere. The Institute for Policy Integrity at New York University School of Law filed an [amicus brief](#) for this case, which focuses in part on why this notion is incorrect and why federal coal leases do appreciably affect greenhouse gas emissions.

Jayni Hein, policy director of the Institute for Policy Integrity, has released the following statement on this ruling:

“This opinion represents a significant win for environmentalists, and more broadly, for sound economic analysis. BLM’s assumption that leasing up to 230 million tons of coal per year would not result in meaningful climate impacts was deemed arbitrary and capricious by the Court. The ruling recognized that this assumption runs counter to basic principles of supply and demand. The ruling also established an important judicial precedent. Agencies cannot rest on questionable, unsupported assumptions and still comply with the requirements of NEPA and the Administrative Procedure Act.”

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[The Institute for Policy Integrity](#) at New York University School of Law is a non-partisan think tank dedicated to improving the quality of government decisionmaking. The institute produces original scholarly research in the fields of economics, law, and regulatory policy; and advocates for reform before courts, legislatures, and executive agencies.