



Institute for
Policy Integrity

NEW YORK UNIVERSITY SCHOOL OF LAW

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STATEMENT ON COURT RULING ON FERC PIPELINE REVIEW

Today, the U.S. Court of Appeals for the D.C. Circuit issued a decision that reaffirms the Federal Energy Regulatory Commission's (FERC) requirement to more fully consider greenhouse gas emissions, including indirect emissions, when evaluating pipeline applications. The decision in *Food & Water Watch, et al v. FERC* finds that the Commission's environmental assessment of the Tennessee Pipeline Extension was inadequate. The Institute for Policy Integrity [submitted an amicus brief](#) in this case, focusing on FERC's emissions analysis.

Sarah Ladin, Attorney at the Institute for Policy Integrity at NYU School of Law, issued the following statement:

"While opponents continue to question FERC's authority to consider indirect greenhouse gas emissions associated with a new pipeline, today's decision adds to a growing list of cases affirming that FERC is required to consider these climate impacts.

The Commission's recent GHG Policy Statement is in part an effort to comply with its increasingly clear obligation to assess indirect emissions. Today's ruling again criticizes FERC's refusal to even try to obtain relevant information on indirect emissions from developers. The Policy Statement affirms that in the future FERC will work to get necessary information for use in these assessments.

More broadly, today's decision affirms that the Commission's new Policy Statement is an appropriate action to ensure it properly considers greenhouse gas emissions in assessing pipeline applications. While the Commission should thoroughly evaluate comments submitted on the GHG Policy Statement, Chairman Glick has been clear that the Policy Statements are intended to align FERC's process with binding court decisions."

Ladin is available for interviews on this issue.

[Our recent report](#), *Reforming Pipeline Review: Taking a Closer Look at the Need for New Natural Gas Infrastructure*, offers additional analysis of FERC's consideration of greenhouse gas emissions.

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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.