



Institute for
Policy Integrity

NEW YORK UNIVERSITY SCHOOL OF LAW

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STATEMENT ON WASTE PREVENTION RULE COURT DECISION

Late yesterday, the U.S. District Court for the Northern District of California [vacated](#) the Bureau of Land Management’s (BLM) repeal of the Waste Prevention Rule, reinstating crucial regulations that reduce natural gas waste from venting, flaring, and leaks on public and tribal land. BLM repealed the rule in 2018, asserting that it is only authorized to prevent waste if such reductions are profitable to private operators. The rollback has since allowed significant natural gas waste and methane emissions, squandering hundreds of millions of dollars in benefits to the public and our climate.

The ruling also emphasizes the need for federal agencies to quantify greenhouse gas emissions impacts using data-driven metrics based on the best available science. The decision makes clear that the Trump administration’s attempts to lower the Interagency Working Group’s social cost of greenhouse gas metrics do not pass muster.

The ruling cites an article by Richard Revesz and other scholars from the Institute for Policy Integrity, and discusses several arguments from [our amicus brief](#) for the case.

Richard Revesz, Lawrence King Professor of Law and Dean Emeritus at NYU School of Law and director of the Institute for Policy Integrity, has released the following statement:

“This ruling holds BLM accountable for wasteful practices and for prioritizing company profits over public wellbeing. Not only did the agency flout its duty under its governing statutes to protect society from waste, but it grossly miscalculated the costs and benefits to the public of this rollback. Putting critical regulations back in place will secure hundreds of millions of dollars in benefits to the public and our climate.

The ruling makes plain that federal agencies must quantify greenhouse gas emissions impacts using the best available methods, and that the Trump administration cannot get away with political tricks to artificially lower the social cost of greenhouse gas metrics.”

The Institute for Policy Integrity at NYU School of Law [filed an amicus brief in the court challenge](#) explaining why BLM’s myopic focus on private operator profits was irrational and in violation of the governing statutes, as well as detailing the mistakes in BLM’s analysis of the rule’s climate impacts.

Please let me know if you'd like to speak with Richard Revesz or one of our other attorneys about the ruling or related issues.

Related Resources and Background:

Early in 2017, BLM delayed the Waste Prevention Rule and we submitted a [brief](#) in support of petitioners. A prior federal court [vacated](#) the delay.

Following the vacatur of the first delay, BLM delayed the rule again. A different federal court [enjoined](#) that second delay. We had submitted [comments](#) on that delay.

Meanwhile, in a different federal court in Wyoming, an industry challenge to the Waste Prevention Rule has been pending. We submitted a [brief](#) in that case explaining why the agency acted within its authority to issue the Waste Prevention Rule. That case is being held in abeyance.

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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.