

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CLEAN AIR COUNCIL,
et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
et al.,

Defendants.

Case No. 2:17-cv-04977-PD

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY AND
REQUEST FOR STATUS CONFERENCE**

Soon after Plaintiffs filed their most recent Notice of Supplemental Authority, the administration released Volume II of the Fourth National Climate Assessment, a 1,600-page report assembled by scientists and researchers from 13 government agencies.¹ Plaintiffs are submitting this notice to address this report, which underscores the importance of reversing Defendants' Rollbacks. Plaintiffs also request a status conference.

The Assessment lists in painstaking detail the catastrophic effects that will

¹ Fourth National Climate Assessment, *Volume II: Impacts, Risks, and Adaptation in the United States* (2018), <https://nca2018.globalchange.gov/>; Rebecca Hersher, *Climate Change Is Already Hurting U.S. Communities, Federal Report Says*, NPR, Nov. 23, 2018, <https://www.npr.org/2018/11/23/668555773/climate-change-is-already-hurting-u-s-communities-federal-report-says>.

be felt across the country due to climate change, which will only be worsened by Defendants' Rollbacks. The report describes the direct impact that climate change will have on United States citizens' health, including an increased "incidence of adverse respiratory and cardiovascular health effects, including premature death."² The report also describes the economic harm that will result from climate change, including "annual losses in some economic sectors [that] are projected to reach hundreds of billions of dollars by the end of the century—more than the current gross domestic product (GDP) of many U.S. states."³

The Assessment stresses the importance of immediate action to address climate change and not worsen its consequences: "Because several [greenhouse gases], in particular carbon dioxide, reside in the atmosphere for decades or longer, many climate-influenced effects are projected to continue changing through 2050, even if GHG emissions were to stop immediately."⁴ The report specifically states that current efforts are not sufficient to forestall the life-threatening effects of climate change: "While mitigation and adaptation efforts have expanded substantially in the last four years, they do not yet approach the scale considered necessary to avoid substantial damages to the economy, environment, and human

² Fourth National Climate Assessment at Chap. 13: Air Quality.

³ *Id.* at Summary Findings, 2. Economy.

⁴ *Id.* at Summary Findings, 4. Actions to Reduce Risks.

health over the coming decades.”⁵ But this statement does not even factor in Defendants’ Rollbacks, which move these efforts backwards.

While Defendants were required by law to issue the report, they attempted to minimize its impact by releasing it on Black Friday, when people were at home with their families or doing their holiday shopping, rather than working at the office and monitoring the news.⁶ When asked about the report, rather than address its substance or propose a plan to ensure that the disastrous consequences it forecast would not come to pass, President Trump responded simply:

“I don’t believe it.”⁷

No statement more directly encapsulates Defendants’ utter disregard for the science of climate change and the inevitable harm that will result from Defendants’ Rollbacks. With no support for his position, the President continues to dismiss the link between man-made pollution and climate change, stating “[a]s to whether or not it’s man-made and whether or not the effects that you’re talking about are

⁵ *Id.*

⁶ See Global Change Research Act of 1990, Pub. L. No. 101-606, 104 Stat. 3096 (1990); see also Coral Davenport, *Trump Administration’s Strategy on Climate: Try to Bury Its Own Scientific Report*, N.Y. Times, Nov. 25, 2018, <https://www.nytimes.com/2018/11/25/climate/trump-climate-report.html>.

⁷ Phillip Bump, *Trump responds to his administration’s report indicating a huge cost from climate change: ‘I don’t believe it,’* Wash. Post, Nov. 26, 2018, https://www.washingtonpost.com/politics/2018/11/26/trump-responds-report-indicating-huge-cost-climate-change-i-dont-believe-it/?utm_term=.c741a4e9df83.

there, I don't see it.”⁸

Moreover, at the G20 Summit last week, Defendants again positioned the United States against the rest of the world by refusing to address the worsening effects of climate change. While all 19 of the other countries at the G20 Summit pledged to address climate change through the Paris Agreement, President Trump refused to join that pledge and instead reiterated his decision to withdraw from the Paris Agreement.⁹ Thus, even while Defendants' own report demonstrates in detail the harm that their Rollbacks will cause, Defendants remain set on their course to ignore the science and increase the life-threatening and property-destroying effects of climate change.

The report and the President's response underscore the ever-growing importance of immediate action to halt Defendants' Rollbacks, as they amount to a continued violation of Plaintiffs' due process rights. Plaintiffs therefore request that a status conference be scheduled at the Court's earliest convenience. Plaintiffs also ask that at the conference, the Court set a trial date.

⁸ Josh Dawsey et al., *Trump on climate change: 'People like myself, we have very high levels of intelligence but we're not necessarily such believers.'* Wash. Post, Nov. 27, 2018, https://www.washingtonpost.com/politics/trump-on-climate-change-people-like-myself-we-have-very-high-levels-of-intelligence-but-were-not-necessarily-such-believers/2018/11/27/722f0184-f27e-11e8-aeaa-b85fd44449f5_story.html?utm_term=.7390a89a7a6c.

⁹ John Fritze, *G-20 leaders end summit by calling for world trade reforms. U.S. remains holdout on Paris climate accord*, USA Today, Dec. 1, 2018, <https://www.usatoday.com/story/news/world/2018/12/01/g-20-leaders-agree-trade-not-quite-climate/2174443002/>.

Dated: December 5, 2018

Respectfully submitted,

/s/ Michael D. Hausfeld

Michael D. Hausfeld

Braden Beard

HAUSFELD LLP

1700 K Street, NW, Suite 650

Washington, DC 20006

(202) 540-7200

mhausfeld@hausfeld.com

bbeard@hausfeld.com

Katie R. Beran

Molly C. Kenney

HAUSFELD LLP

325 Chestnut Street, Suite 900

Philadelphia, PA 19106

(215) 985-3270

kberan@hausfeld.com

mkenney@hausfeld.com

Seth R. Gassman

HAUSFELD LLP

600 Montgomery Street

Suite 3200

San Francisco, CA 94111

415-633-1908

sgassman@hausfeld.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Michael D. Hausfeld, hereby certify that I caused a true and correct copy of the foregoing Plaintiffs' Notice of Supplemental Authority and Request for Status Conference to be served on all counsel of record via CM/ECF on December 5, 2018.

/s/ Michael D. Hausfeld
Michael D. Hausfeld