

**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

While the mounting effects of climate change intensify severe weather events at the cost of human life and property, Defendants continue to pursue sweeping Rollbacks of climate change protections and deny well-established science. The growing effects of climate change are inextricably linked to extreme weather events like the severe wildfires raging in California since November 8, 2018. The Camp Fire in Northern California, burning at a rate of 80 acres per minute,¹ has burned more than 113,000 acres and claimed seventy-six lives as of

¹ See Kendra Pierre-Louis, *Why Does California Have So Many Wildfires?*, N.Y. Times, Nov. 9, 2018, <https://www.nytimes.com/2018/11/09/climate/why-california-fires.html>.

this filing,² making it the most destructive fire in the state's history.³ Since the 1970s, the number of large fires in the Western U.S. has increased five-fold.⁴ Because temperatures are two to three degrees Fahrenheit higher now than they would have been without climate change, dry climates like California's are even drier, substantially increasing the likelihood of burning.⁵ Additionally, wildfires in California have become more frequent; the fire season in the state, which used to be less than six months of the year, is now almost year-round.⁶ A substantial body of scientific literature points to human-caused climate change as the driving force behind this increase in forest fires.⁷ With about 1.8 million homes in areas of high fire risk in the Western U.S., the increase in these severe weather events presents clear and present danger to property and human life.

Furthermore, a recent study reveals that society faces a much larger threat

² Nicole Chavez, Steve Almasy, and Chandrika Narayan, *Death toll from Camp Fire rises to 76 as searches find five more remains*, CNN, Nov. 17, 2018, <https://www.cnn.com/2018/11/17/us/california-fires-week-2/index.html>.

³ See Christopher Joyce and Ashley Westerman, *Megafires More Frequent Because of Climate Change and Forest Management*, NPR, Nov. 12, 2018, <https://www.npr.org/2018/11/12/666951838/megafires-more-frequent-because-of-climate-change-and-forest-management>.

⁴ *Id.*

⁵ *Id.*; Pierre-Louis, *supra*.

⁶ *Id.*

⁷ See, e.g., Zachary A. Holden et al., *Decreasing fire season precipitation increased recent western US forest wildfire activity*, 115 Proc. Nat'l Acad. Sci. E8349 (2018); John T. Abatzoglou & A. Park Williams, *Impact of anthropogenic climate change on wildfire across western US forests*, 113 Proc. Nat'l Acad. Sci. 11770 (2016); see also Kurtis Alexander, *Scientists see fingerprints of climate change all over California's wildfires*, S.F. Chron., Aug. 3, 2018, <https://www.sfchronicle.com/science/article/Scientists-see-fingerprints-of-climate-change-all-13128585.php>.

from climate change than previously thought because of the scope and interconnected nature of the hazards caused by climate change.⁸ The study, an analysis of thousands of peer-reviewed scientific papers, found 467 ways in which human health, food, water, economy, infrastructure, and security have been impacted by multiple climatic changes including: warming, drought, heat waves, wildfires, precipitation, floods, storms, sea level rise, and changes in land cover and ocean chemistry.⁹ The risks to life and property posed by climate change are so wide-ranging and involve so many types of weather phenomena that areas like New York may face up to four simultaneous climate-related crises before the end of this century (and other areas of the world could face as many as six), particularly if Defendants continue to exacerbate the consequences of climate change.¹⁰

Defendants' Rollbacks and denial of science have the continued effect of decreasing the United States' ability to respond to climate change while increasing our nation's contribution to climate change. As Defendants defy science,¹¹ their

⁸ Camilo Mora, Danielle Spirandelli, Eric C. Franklin, et al., *Broad threat to humanity from cumulative climate hazards intensified by greenhouse gas emissions*, *Nature Climate Change* (Nov. 2018). *See also* John Schwartz, *'Like a Terror Movie': How Climate Change Will Cause More Simultaneous Disasters*, *N.Y. Times*, Nov. 19, 2018, <https://www.nytimes.com/2018/11/19/climate/climate-disasters.html>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ For instance, in a recent decision regarding the Keystone XL oil pipeline, the court found that Defendants had "disregarded prior factual findings related to climate change and reversed course" without "a factually based determination, let alone a reasoned explanation." Order

Rollbacks contribute to the growing consequences of climate change, which claim the lives and property of U.S. citizens. For the reasons stated above and in Plaintiffs' other filings, Plaintiffs respectfully request the Court deny Defendants' Motion to Dismiss.

Dated: November 21, 2018

Respectfully submitted,

/s/ Michael D. Hausfeld

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Granting Plaintiffs' Request for Injunctive Relief, *Indigenous Environmental Network v. U.S. Department of State*, 4:17-cv -00029-BMM at 35, 52 (D. Mont., Nov. 8, 2018). The decision again demonstrates that Defendants cannot simply ignore the "inconvenient" truth presented by climate change. *See id.* at 35.

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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 to be served on all counsel of record via CM/ECF on November 21, 2018.

/s/ Michael D. Hausfeld
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