

# Chemical Week

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## Groups Say New Justice Will Stymie Environmental Protection

By KARA SISSELL

### LAWSUITS

Environmental groups say the Senate's confirmation of Janice Rogers Brown as U.S. Court of Appeals justice for the District of Columbia will hurt environmental protections and other laws that safeguard public health. The D.C. appeals court appointment is important to environmental and industry groups because many of the most influential lawsuits against EPA and other federal agencies move through that court, says environmental group **Earthjustice** (Washington).

Brown is a judicial activist with well documented anti-regulatory history, raising concerns that she will be "legislating from the bench," says **Earthjustice** attorney James Cox. Brown's record "reveals she's a staunch, opening activist opponent of fundamental government safeguards," he says.

Lawsuits with significant importance to the chemical industry have moved through the D.C. district and appeals courts. The recent lawsuit filed by CSX to block a hazmat transportation ban enacted by the D.C. city council went through the lower court. Lawsuits filed by states attorneys general against EPA for rules on New Source Review and mercury emissions also are pending in the D.C. federal court system.

Brown has been clear about her opinions on government regulations, **Earthjustice** says. Brown in the past has said that "where government moves in, community retreats, civil society disintegrates, and our ability to control our own destiny atrophies. The result is: families under siege; war in the streets; unapologetic expropriation of property; the precipitous decline of the rule of law; the rapid rise of corruption; the loss of civility and the triumph of deceit."

The Senate, which voted 56-43 to confirm Brown's appointment, has been sharply divided along party lines over her nomination. One Democrat crossed party lines to vote in favor of confirmation. Senator Harry Reid (D., NV) says Brown's appointment is like "putting the fox to guard the hen house."