

citizen environmentalism

setts Comer AEP Kivalina

Massachu-

1.

1970

1

EPA

⁽¹⁾ 2003

Massachusetts v. EPA

Jan v. Defenders of Wildlife Lujan II

Lujan II

1

Injury in

fact

2

traceability

3

redressibility ^[1]

[2]

Lujan II

3

[1]

EPA

EPA

[2]

[3]

quasi sovereignty

[4]

2 Covington Northwest
2004 Covington v. Jefferson County

[5]

Northwest Environmental Defense Center v. Owens Corning Corporation

250

Covington

[6]

Massachusetts
Northwest

[7] Covington

Massachusetts

Massachusetts

Covington Northwest
Northwest

Covington

3 Natural Resources Defense Council

Natural Resources Defense Council v. EPA

Natural Re-

1997

2005

EPA

EPA

[1]Massachusetts v. EPA, 549 U.S. at 517.

[2]Massachusetts v. EPA , 415 F.3d 53 (D.C. Cir. 2005).

[3]Massachusetts. v. EPA, 127 S. Ct. at 1455–1456.

[4]Massachusetts. v. EPA, 127 S. Ct, at 1454–1455.

[5]Covington v. Jefferson County,358 F.3d 626–641 (9th Cir. 2004).

[6]Northwest Environmental Defense Center v. Owens Corning Corporation, 434 F. Supp. 2d at 963.

[7]Massachusetts v. EPA, 549 U.S. 497, 526 (2007)

[1]

2

LujanII

fairly traceable

Massachusetts

EPA

EPA

[2]

EPA

[3]

meaningful contribution

[4]

Massachusetts

AEP

Comer

2004 American Electric Power Co. (AEP) v. Connecticut

2009

[5]

2011

EPA

EPA

[6]

2005 Comer v. Murphy Oil USA

9

Katrina

150

Katrina

2010

contribution

Comer

[1]Natural Resources Defense Council v. EPA,464 F.3d 1 (D.C. Cir. 2006), at 3–7.

[2]Massachusetts v. EPA, 415 F.3d at 53–54.

[3]Massachusetts v. EPA, 415 F.3d at 1457

[4]Massachusetts v. EPA, 415 F.3d at 1457

[5]American Electric Power Co. v. Connecticut, 582 F.3d 369.

[6]American Electric Power Co. v. Connecticut , 131 S. Ct. 2527 (2011), reversing 582 F.3d 309 (2d Cir. 2009).



Katrina

2009

5

en banc

^[1]

panel

[1]

1.

Stearns

[2]

3

[3]

Comer

Kivalina

[4]

Scalia

[5]

EPA

Comer

Kivalina

Kirliina

Phillip Pro

Massachu-

setts

EPA

[6]

Lujan II

[1]Massachusetts v. EPA, 549 U.S. 497, 523 (2007)

[2]Maxwell L. Stearns, Standing Back from the Forest: Justiciability and Social Choice, 83 Cal. L. Rev. 1995, p.1309.

[3]Carrie Scrufari. Down The Rabbit-Hole Of Standing: Injury, Traceability, And Redress In Greenhouse Gas Litigation. 3 Charlotte L. Rev. 2011(1), p.121.

[4]Katherine A. Guarino.The Power Of One: Citizen Suits In The Fight Against Global Warming, 38 B.C. Envtl. Aff. L. Rev., 2011, p.155.

[5]Lujan v. Defenders of Wildlife(90-1424), 504 U.S. 555(1992), at 576.

[6]Native village of Kivalina v. ExxonMobil, 8 (9th Cir. September 21, 2012) 11676.

[1]

Massachusetts Covinton
EPA

Comer Kivalina EPA

AEP

EPA

AEP Comer Kivalina

Benjamin

Ewing Douglas A. Kysar 2011 11

[2] 2008 California v.

General Motors Corp

[3]

voice

vote

[1]F. Andrew Hessick. Standing, Injury in Fact, and Private Rights, 93 Cornell L. Rev., 2008, p.289.

[2]Benjamin Ewing & Douglas A. Kysar, Prods and Pleas: Limited Government in an Era of Unlimited Harm, 121 Yale L. J, 2011, p.351.

[3]Unopposed Motion to Dismiss Appeal, California v. Gen. Motors Corp., No. 07-16908 (9th Cir. June 19, 2009)