May 23, 2024

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Florida Attorney General's Office News Release

Attorney General Moody Files Legal Action to Protect Energy Sources Crucial to Economic and National Security



TALLAHASSEE, Fla.—Attorney General Ashley Moody and a coalition of attorneys general filed a legal action with the Supreme Court of the United States to protect states from unconstitutional lawsuits filed by Green New Deal states targeting interstate emissions. The attorneys general claim that the defendant states are attempting to dictate the future of the American energy industry through coercive remedies usurping congressional power.

Attorney General Ashley Moody said, “California has destroyed itself with reckless and costly Green New Deal policies that have weakened their state and put them on the brink of financial ruin, and I refuse to allow California, and other states like it, to tell Florida how to govern itself. These states are attempting to unconstitutionally legislate across state lines and force their radical policies on other states when people are struggling to buy groceries. Only Congress has the authority to set national energy policy.”

The legal action states, “When controversies arise among the States of our Union, their options are to seek a federal resolution from Congress or from this Court…Under this Court’s precedents, the actions of Defendant States are unconstitutional. ‘[T]he basic scheme of the Constitution … demands’ the application of federal law to matters of interstate air pollution.”

Further, the action states, “Defendant States are threatening to weaken our national energy system through tort litigation under their state laws and in their state courts. This Court has consistently held that lawsuits over interstate air (and water) pollution, including emissions from the use of oil and gas, must be decided under federal law. Application of federal law to these fundamentally interstate matters prevents overreaching States from weaponizing their laws to impose their policy agendas on sister States and ensures that national policy remains sensitive to the interests of the whole Nation.”

The American economy relies on oil and natural gas. In 2015, the oil and natural gas industry was responsible for nearly 8% of the U.S. gross domestic product and nearly 6% of total employment. Additionally, oil and natural gas are crucial to national and homeland security as nearly all first responder vehicles, aircraft and military equipment rely on gasoline or diesel fuel.

The action goes on to state, “All at once, Defendant States’ actions exceed state authority, flout the horizontal separation of powers, usurp federal authority over a federal issue, and violate the prohibition on extraterritorial regulation embodied in the Commerce Clause. Plaintiff States and their citizens rely on traditional energy products every day. The assertion that Defendant States can regulate, tax, and enjoin the promotion, production, and use of such products beyond their borders—but outside the purview of federal law—threatens profound injury.”

The attorneys general are asking SCOTUS to declare attempts by states to impose liability for emissions by or in other states unconstitutional, declare attempts by states to enjoin the promotion, sale and/or use of traditional energy products, such as oil and natural gas, in other states unconstitutional and enjoin attempts by states to enjoin the promotion, sale and/or use of traditional energy products in other states.

Read the full legal action here.

Attorney General Moody is joined in filing this legal action by the attorneys general from the following states: Alabama, Alaska, Georgia, Idaho, Iowa, Kansas, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, South Carolina, South Dakota, Utah, West Virginia and Wyoming.

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