



One of the biggest climate victories to date belongs to 19-year-old Eva Lighthiser and the other Montana youth climate plaintiffs who [won their landmark case](#) against state officials and saw it upheld in the state Supreme Court. Now, some of those same young people — Lighthiser included — are headed back to court next week with a more formidable target: the White House.

[Lighthiser v. Trump](#) challenges several of the administration’s pro-fossil fuel energy executive orders. Specifically, [Executive Order 14154](#) to “unleash American energy;” [Executive Order 14156](#) declaring an “energy emergency,” and [Executive Order 14261](#) trying to revive the dying coal industry.

The case is brought by 22 children and youth from all around the U.S. against the EPA and other federal agencies, challenging those EOs for aggressively promoting fossil fuel development while suppressing climate science and clean energy initiatives. Plaintiffs allege the actions violate their constitutional rights to life and liberty under the Fifth Amendment by increasing greenhouse gas pollution, worsening climate change, and dismantling all sorts of scientific and regulatory protections. They also claim these presidential actions exceed executive authority by overriding congressional mandates and environmental laws.



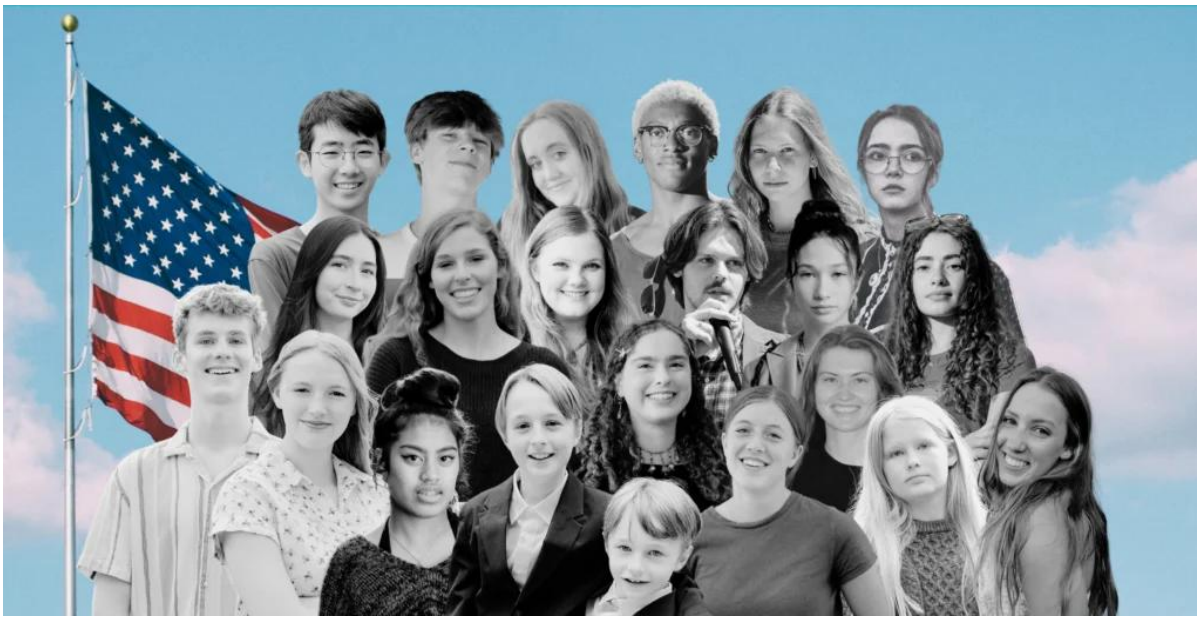
Eva Lighthiser. Photo: Eillin Delapaz/Our Children's Trust

The complaint outlines how plaintiffs have been hurt by displacement, health impacts, educational harms. It seeks declaratory and injunctive relief. Attorney **Nate Bellinger** told me in an email that the rights to personal security, bodily integrity, and dignity “have been recognized by federal courts for decades and we are not asking the court to recognize any new constitutional rights.”

Eva Lighthiser grew up backpacking, biking, skiing, swimming and rafting on the Yellowstone River but has struggled to keep up outdoor activities due to climate change-induced heatwaves, wildfires, and floods. She and her family were forced to relocate from outside of Livingston, Montana into town as result of extreme flooding that destroyed bridges and roads, the complaint says. She suffers from “shortness of breath, headaches, sore throats, and eye and nose irritation” due to increased wildfire smoke, as well as poor sleep, persistent stress and anxiety about her future. “Every additional ton of GHG pollution and increment of heat Defendants cause will cause Eva more harm,” the complaint says.

A hearing is scheduled for Sept. 17 and 18 in a federal court in Missoula. [Our Children's Trust](#), which spearheaded *Held v. Montana* and *Juliana v. the United*

*States*, filed in 2015, is on this case too. “This is the first time a federal court will hear live testimony from youth plaintiffs and their experts detailing how children and youth are being injured by pollution from fossil fuels and extreme climate events,” said Bellinger, supervising senior attorney for Our Children’s Trust. It’s also a hearing on a motion to dismiss, which the court could approve.



The plaintiffs are 7-25 years old from Montana, Hawai'i, Oregon, California, and Florida. Graphic: Our Children’s Trust

This is a very different case than [the previous challenge](#) against Montana. For one, Montana’s state constitution explicitly guarantees the “right to a clean and healthful environment.” For another, challenging the scope of executive authority in a federal court in 2025 seems an uphill battle. Climate change litigation often faces skepticism about whether specific government actions can be directly linked to harms experienced by plaintiffs, given the nature of greenhouse gas emissions. The district court may question whether blocking these executive orders would meaningfully address the plaintiffs’ climate-related harms.

Then again, Montana has surprised the world before. Climate harms are better understood by courts now than they were when *Juliana* was filed. Declaring an “emergency” [does not give](#) Trump carte blanche on energy policy free from statutory limitations. And this complaint painstakingly connects the dots between January executive orders and the whole-of-government effort to scrub, suppress, and dismantle climate science that has intensified over the last 9 months. While

renewable energy companies and scientific researchers are also fighting these orders, children are uniquely vulnerable to pollution and extreme climate events, so they are disproportionately harmed, Bellinger notes. It will be especially interesting to see how this court receives arguments that the purported energy emergency is a lie. The 120-page complaint is a sweeping narrative that weaves together personal stories, global energy trends, and Beltway politics. That could be a blessing or a curse. But anyone watching the country's authoritarian turn has seen plenty of district judges who understand the assignment even if most of the Supreme Court justices do not.

***Welcome to The Drain, a weekly roundup of environmental and climate news. Our song of the week is [Fatboy Slim's "Right Here, Right Now,"](#) feat. [Greta Thunberg](#). For the youth.***

***Here's what else I see happening in the courts, clean energy, and climate media...***

## **The Courts**

Chief Justice John Roberts on Monday [cleared the way](#) for Trump to fire, at least for now, a Democratic appointee to the Federal Trade Commission. That could have fallout for other independent agencies.

NBC's **Lawrence Hurley** conducted rare interviews with a dozen sitting federal judges, 10 of whom [criticized the Supreme Court's handling](#) of Trump cases and for overturning lower court rulings without much reason.

Speaking of which, U.S. District Judge Allison Burroughs restored funding to Harvard, agreeing the administration ran afoul of constitutional free speech protections and federal law. Burroughs even [critiqued](#) the Supreme Court, saying recent decisions have "not been models of clarity."

Supreme Court Justice Amy Coney Barrett is defending the court majority's work on emergency rulings via the emergency docket. She's been doing [interviews](#) to

promote her book. “We’re figuring out how to think about precedent on the emergency docket, and when you write a lot there is a logjam effect,” Justice Coney Barrett says. “We might be writing sooner than we want to be or with less information than we want to be.”

Trump’s DOJ recently [asked](#) a judge to permanently block New York State from enacting its version of “make polluters pay legislation,” the new Climate Change Superfund Act. That law requires polluting oil companies to pay billions of dollars to fund projects to protect against intensifying heat, floods, wildfires and other damage from climate change. **Climate Integrity** [points out](#) that there’s a “brewing effort” by lobbyists before Congress to secure some kind of immunity for Big Oil from climate litigation.

## Energy

Revolution Wind is fighting back. The wind industry, under assault by the Trump administration, has been [looking weak for months](#). But last Thursday, two new lawsuits were filed that show some backbone. Danish energy giant Ørsted and investment firm Global Infrastructure Partners [filed a complaint](#) in the U.S. District Court for the District of Columbia, requesting a preliminary injunction that would allow Revolution Wind’s offshore construction to resume. And attorneys general from both Rhode Island and Connecticut announced a [separate lawsuit](#).

U.S. Energy Secretary Chris Wright [defended](#) the decision to block work on Revolution Wind by saying incorrectly that wind energy raises electricity costs and [said](#) that active discussions are taking place about the project’s fate. Wright has been wrong about a lot of things lately, as **Robinson Meyer** [picks apart](#) in this brutal fact-check of the energy secretary’s tweets. And Heatmap News [has this handy timeline](#) of all anti-wind actions to date in chronological order.

U.S. electricity rates [rose](#) nearly 7% between June 2024 and June 2025, with more gas and power rate hikes on the horizon, by the way.

States aren’t waiting around: Colorado is directing state agencies to prioritize permits for wind and solar projects that might qualify for expiring federal credits, and Maine regulators are moving up timelines to purchase new power, hoping to give developers a head start on construction, [reports](#) Stateline.

Utilities including PG&E are testing out microgrids using solar, batteries, and

generators as a replacement for power lines in remote areas, **Jeff. St. John reports**. The utility plans to complete 30 by end of next year.

The Trump administration is giving gas stations an edge as it [restarts](#) the \$5 billion Biden-era NEVI program to build EV charging stations along highways.

The Wall Street Journal [rounds up](#) all the ways that the Trump administration is paying off for Big Oil CEOs who gave millions to his reelection campaign: All access, regulatory rollbacks, and tax cuts. ConocoPhillips, EOG Resources, Occidental Petroleum and Devon Energy recently told investors that because of new tax provisions in Trump's tax and spending bill, they collectively expect to save more than \$1.2 billion in tax payments in 2025.

Meanwhile, China's clean energy boom is having a big global impact, [according](#) to Ember's 2025 China energy review. China's surge in renewables and whole-economy electrification is rapidly reshaping energy choices for the rest of the world, creating the conditions for a decline in global fossil fuel use. "China is now the main engine of the global clean energy transition."

## Transportation and Transit

Love it while it lasts: Ford Motor Company reported EV sales were up nearly 20% in August from the same month last year as federal incentives are set to go away. GM reported an all-time monthly EV sales record in August. But our EV market is "getting less Tesla-centric," [writes Matthew Zeitlin](#). The best month for EVs in U.S. history was the worst for Tesla ever recorded, according to August data Cox Automotive released on Monday.

By arresting hundreds of South Koreans at that Hyundai and LG Energy Solution's new EV battery factory in Georgia, the Trump administration is prompting geopolitical blowback that could [threaten](#) efforts to reestablish manufacturing in the United States.

Transportation advocates [are worried](#) that Governor Newsom's Department of Finance signaled it will not be finalizing a critical \$750 million bridge loan to prevent service cuts to BART, Muni, AC Transit, and other Bay Area public transit operators next year.

It's not just SF. Millions of Americans will have fewer options for getting around next

year, **Adam Anton** [reports](#) for E&E, and “that threatens far-reaching consequences for transportation, the biggest source of U.S. emissions.” Philadelphia, Dallas, and Rhode Island are considering drastic cuts.

Grist [took a look](#) at California’s high-speed rail delays post all the Abundance attention. The High-Speed Rail Authority is pressing ahead to connect Bakersfield to either Merced or Gilroy with the goal of finishing that run by 2032, and the authority recently [opened the bidding process](#) to begin installing track next year.

Congrats to Vermont, which now has nearly 18,000 electric vehicles on its roads, a 41% increase in the number of EVs on the road since last year, [according](#) to data from Drive Electric Vermont.

## Climate-fueled Disasters



**Evan George**

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If you are writing about the causes of - and complexities of fighting - the Palisades and Eaton fires without mentioning the role of climate change, you are missing part of the story! Same thing if you are writing about Republicans trying to blame Democrats for the scope of the fire damage.

Republican Senators Rick Scott of Florida and Ron Johnson of Wisconsin [announced](#) an investigation on Monday into the response to the Palisades fire in Los Angeles, claiming that state and local governments were to blame for the disaster — including a focus on the empty Santa Ynez reservoir. Journalists should be prepared for any committee fact-finding and hearings to be highly partisan, eager to blame local and state officials while ignoring the climate change connection. Coverage in the New York Times of the investigation [tiptoed](#) around the climate connection, mentioning only the “rare alignment of powerful atmospheric conditions.”

Gov. Newsom’s State of the State speech this week [cited](#) LA’s effort to rebuild from the January fires as Exhibit A of California’s spirit of resilience — and the pettiness of the federal government to help Californians.

The US DOJ is [suing](#) Southern California Edison for more than \$40 million, over the deadly Eaton Fire, accusing the utility company’s equipment of sparking the January

wildfire that killed 18 people. “SCE knew about the potential danger posed by the high wind event and the risks posed by power and transmission lines but failed to take action to prevent it from igniting a fire,” the lawsuit reads.

Would blaring sirens be a better way to alert us about wildfires than cellphone emergency alerts? **Erin Stone** [looks](#) at the potential and the limitations for LAist.

Meanwhile, intentional power shutoffs spiked this year, [reports Noah Baustin](#) at Politico. “Most of the increase is in Southern California Edison’s territory, where nearly 526,000 customers experienced safety outages through Aug. 1. In all of 2024, that figure was about 137,000, and it was just 34,000 in 2023.

Illinois Congressman Eric Sorenson — who worked as a television meteorologist for more than 20 years — is now working on legislation that would establish a National Weather Safety Board, an independent, nonpartisan government agency tasked with reviewing the aftermath of U.S. disasters, uncovering any failures in response and making recommendations for the future, [Chelsea Harvey reports](#).

Climate-fueled wildfires hurt wages: From 2020 through 2024, US workers in the retail, wholesale, transportation, construction, mining and agriculture industries alone lost \$1.1 trillion in wages because of exposure to wildfire smoke, [according](#) to this Bloomberg Intelligence estimate.

We will have more risk of lightning-caused fires like the ones that have burned tens of thousands of acres across California’s Central valley and into the foothills of the Sierra Nevada, a new study finds. **Eric Holthous** [wrote](#) about it for the Guardian.

Facing more extreme heat, the LA City Council [is considering](#) a measure that would require landlords to enable rental units to be kept at 82 degrees or cooler, following a similar move by the LA County Supervisors.

## Media Stories

Have you watched the first episodes of “Heated Conversations” yet? In this series from **Yellow Dot Studios**, comedian **Esteban Gast** “puts your favorite people in a tiny sauna to ask them big questions as the temperature rises through five levels of extreme heat.” Like “Hot Ones” but for climate change.

**Bill McKibben** and others [talk with Christina Cauterucci](#) for the New York Times

Magazine about the future of climate activism’s playbook and the upcoming Sun Day. Positioning Sun Day politically has been a challenge. Message testing has revealed that anti-Trump talking points don’t perform well. The piece is a mix of optimism and pessimism. **Varshini Prakash**, a co-founder of the Sunrise Movement, said that she once believed activists could pressure governments to make changes that might stop global warming outright. Now, she said, “I think that window has closed, and perhaps it never really existed.”

LA Times has [a fun Q&A](#) with its resident “water savant” **Ian James** who doggedly covers water and the environment.

CBS Face the Nation [will no longer apply](#) its strict standards to interviews. Variety reports that the Paramount Skydance news unit [says](#) it will cease editing taped interviews with Trump officials and other newsmakers.

Abundance 2025 happened last week in New York and got some coverage. The convention “was a broad church,” [writes Josh Barro](#) at Very Serious, who analyzed the bipartisanship and poked some fun at the left-wing pressure group [Revolving Door Project](#) for trying to paint the abundance thinkers as a shadowy group. A write-up by **Jerusalem Demsas** [contrasted](#) Abundance Con to the National Conservatism Conference happening a few miles away.

**Nate Silver** [writes](#) that Bluesky is “toxic for political persuasion” while **Demsas** made the case for [staying](#) on Twitter though it’s toxic.



Later today and again tomorrow: Stop by UCLA's ["Suspended Science Fair"](#) highlighting the science impacted by cancelled research grants.

Sept 15: **Alissa Walker** is [holding](#) a "Let's build an LA that works" event next Monday at Noon PT on Zoom

Sept. 21: [Sun Day events](#) will celebrate solar and wind power and there's an [organizing call open to anyone](#) Monday Sept 15.

You can help the [California State Parks Foundation](#) observe monarch butterflies. The data you share will help scientists study the butterflies and inform the 29th annual [Western Monarch Count](#).