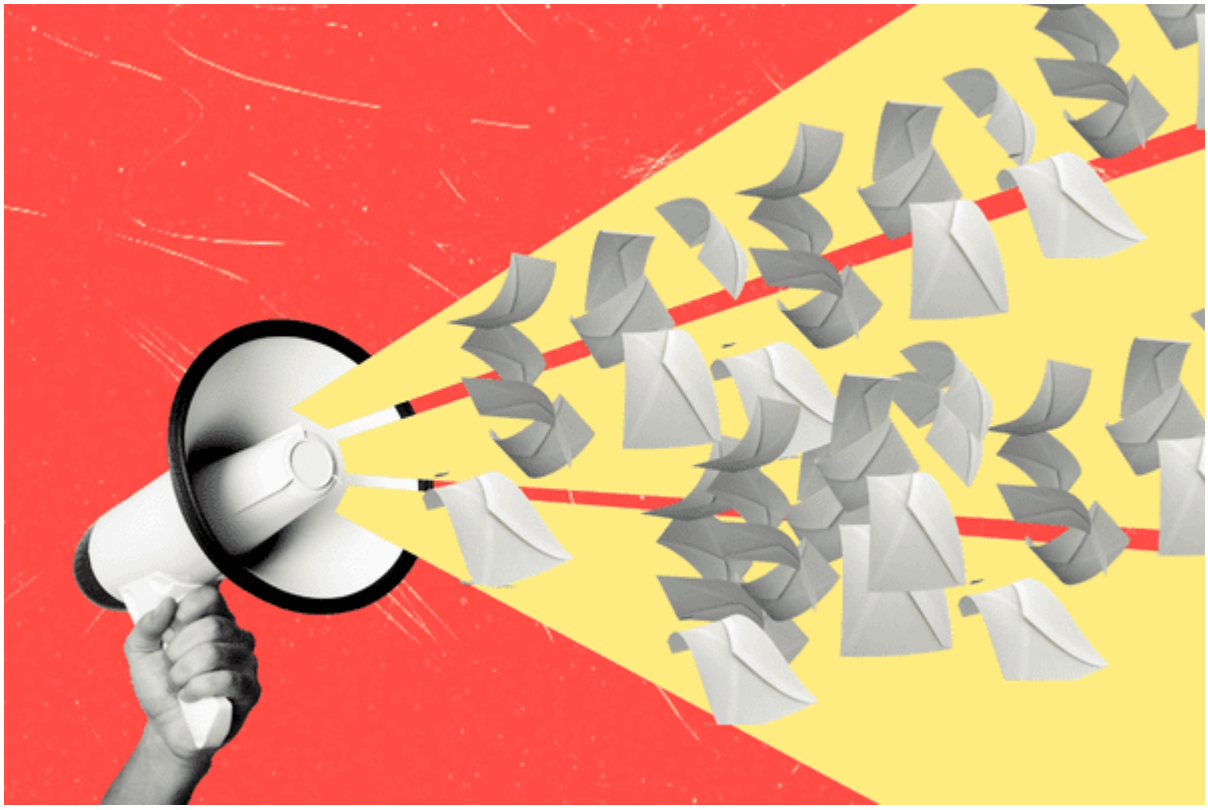


Artificial intelligence has already replaced some artists, translators, and podcast hosts. Now it's coming for… concerned citizens? That's right. AI-assisted campaigns have started flooding the inbox of government agencies that seek to engage with the public.

Do you remember last June when the South Coast Air Quality Management District Board killed two common sense clean air quality rules? I do, because I sat on the Zoom and watched hours of IRL public comments. The two rules would have set gradual zero-emission sales targets for manufacturers of furnace and water heaters — beginning with 30% in 2027 and ratcheting up to 90% by 2036. Consumers have shown interest in zero-emission heat pumps over gas appliances, but this would have given that trend a boost. For gas appliances sold in excess of sales targets, manufacturers would pay surcharges. Many of the commenters supported these rules, though many did not. They were all real humans as far as I could tell — experts, advocates, business interests, gadflies.

But separately, tens of thousands of emails were pouring into SCAQMD as the board weighed this proposal. These were *not* all real. It turns out that at least 20,000 of those messages considered by the board were generated by an AI-powered

platform called CiviClick, **Hayley Smith** reports in a new story for the LA Times. That deluge of emails was unusual and carried some weight with SCAQMD.

The board voted 7-5 to reject the new clean air rules, and their staff's recommendations. We knew at the time there'd been a coordinated campaign by opponents, including SoCalGas, incorrectly painting these rules as a "ban" on gas appliances. But now we know that the opposition campaign ran deeper thanks to CiviClick, a Washington, D.C.-based company that bills itself as "the first and best AI-powered grassroots advocacy platform."

"When staffers at the air district reached out to a small sample of people to verify their comments, at least three said they had not written to the agency and were not aware of any such messages, records show," the LA Times story says.

So, was this AI-powered campaign generating some fake emails from real voters? "To hit these numbers, we conducted aggressive omni-channel outreach to an audience of over half-a-million people in the region from our database of advocates," a lobbyist on the effort says here in a sponsored post. But neither he nor the CEO of CiviClick would speak with the LA Times, so exactly how AI was deployed to stoke outrage remains a bit of a mystery.

"For years, companies have employed bots or orchestrated fake "astroturf" campaigns to create the appearance of grassroots opinion on an issue," LAT's Smith reports, "but the introduction of AI technology could make it even harder for elected officials to engage in earnest with the public."

Back in June, I watched the AQMD board members explain their vote and many of them cited concerned citizens. Yorba Linda Mayor Pro Tem Carlos Rodriguez, who voted no, even said some of his constituents were "ready to run him out of town" over the rules. But it's possible that some of the emails Rodriguez received were not really from his constituents at all.

It's unfortunate for SoCal because the rules would have created good-paying installation jobs and heat pumps are an efficient, affordable climate solution. In fact, heat pumps outsold fossil gas–fired furnaces in the U.S. yet again last year. That's the fourth year in a row, as **Alison Takemura** reports for Canary Media, in "a testament to Americans' sustained appetite for the zero-emissions appliances crucial to weaning buildings off planet-warming fossil fuels." There was a dip in sales but the trend still favors heat pumps.

It’s more troubling when you think about the ramifications for all civic engagement. If this A.I. tech can be used to defeat heat pumps at an air quality district, what else could it do?

This comes the same week that Elon Musk’s xAI is under pressure for continuing to fuel its big data centers with unpermitted gas turbines, according to an important investigation by **Evan Simon** for Floodlight. Thermal drone footage shows xAI is burning gas at a facility in Mississippi despite a recent EPA ruling reiterating that doing so requires a state permit in advance. Hundreds of (real) residents of Southaven, Mississippi showed up for a hearing yesterday on that matter.

We know that thousands of data centers are being built around the U.S. to fuel A.I. and many of them will be powered by methane gas. That’s how the rise of artificial intelligence is polluting our air. We should also be concerned about A.I.-powered misinformation campaigns threatening our democracy.

Welcome to The Drain, a roundup of environmental and climate news from Legal Planet. Our song this week is “The Lie and How We Told It,” by Yo La Tengo.

Life After Endangerment



Last week, I wrote about what to look for when the Trump administration took its kill shot on the endangerment finding. This week, there are already lawsuits.

EPA posted the actual rule language revoking the endangerment finding close to midnight last Friday — ten hours after Trump and Lee Zeldin held a press conference announcing the change. The 436-page document sticks to legal arguments and largely abandons the proposed rule's attempt at disputing climate science. "EPA concludes that it lacks statutory authority to regulate GHG emissions in response to global climate change concerns under CAA section 202(a)(1), and is not finalizing the additional bases for repeal set out in the proposed rule," the rule reads. Acknowledging the global impacts, EPA is arguing essentially that no one sector of the U.S. economy, like transportation, can be regulated in such a way to address climate change, so it's permissible to do nothing.

The move opens up a new front in the legal wars over climate change, Reuters reports and California Attorney General **Rob Bonta** called it an assault on environmental protections aimed at "putting the fossil fuel industry's profits ahead of the health and safety of Americans." Heatmap's **Robinson Meyer** and **Emily Pontecorvo** have a handy explainer here, and Pontecorvo highlights the three main legal arguments. "Environmental lawyers are in for years of déjà vu as the Trump administration relitigates questions that many believed were settled by the Supreme Court nearly 20 years ago."

"How the fuck are they going to do that?" **David Roberts** said in an interview at Public Notice. "If you can get the Supreme Court to rule that carbon is not a danger to public health, it will mark the point at which they have abandoned all pretense, because that's just a flat out lie." Any argument that Congress did not understand "air pollution" to refer to climate change is wrong, writes **Michael Burger**, citing a chapter of their book "Combatting Climate Change with Section 115 of the Clean Air Act."

The lawsuits have begun. The American Public Health Association, American Lung Association, the Center for Biological Diversity, the Environmental Defense Fund, the Natural Resources Defense Council, the Sierra Club and 11 other public health and environmental organizations have filed suit in the D.C. Circuit Court. These groups, represented by a who's who of environmental litigation, will argue that CO2 and other greenhouse gases at issue are unambiguously 'air pollutants' under the Clean Air Act. They filed today, the same day the rule was finally published in the Federal Register. Separately, 18 youth plaintiffs represented by Our Children's Trust and Public Justice filed a petition.

In the meantime, the US "will essentially have no laws on the books that enforce

how efficient America's passenger cars and trucks should be," **Hiroko Tabuchi** reports for the New York Times. "Even if a new administration came in and was inclined to regulate greenhouse gasses, it would take years to reissue and defend the endangerment finding," my UCLA Law colleague **Ann Carlson** says in the piece. "And in the meantime, they would have no authority to write any new greenhouse gas regulations."

Carlson was also a guest on NPR's Here & Now explaining how EPA's decision this week to abandon climate change regulation could give more power to the states. She was quoted in CalMatters on how California could regulate GHGs from cars and trucks. "This is definitely a conversation," Assemblymember Cottie Petrie-Norris, a Democrat from Irvine, said during a press conference last week. "So stay tuned."

"These 'legal experts' should read the Clean Air Act before engaging in scare tactics designed to perpetuate unlawful regulations," EPA spokespeople told Politico in a statement Tuesday.

Sports

Climate activists in 10 cities protested sportswashing yesterday at stadiums in cities from Los Angeles to Boston whose professional teams are sponsored by fossil fuel interests, partially sparked by my colleague **Cara Horowitz**'s blogging about the Dodgers.

Elijah Wolfson at the LA Times has been tracking how many of the commercials that air during each year's Super Bowl have some relation to the environmental issues. During Super Bowl LX, there were just two commercials that focused in a meaningful way on products that would advance a transition to a fossil-fuel-free economy, a big drop from a gift during the Biden era.

My Emmett Institute colleague **Tiffany Deguzman** blogged about the environmental losers of Super Bowl LX.

A Japanese snowboarder and two South Korean skiers were disqualified in the last week because their skis and snowboards tested positive for "forever chemicals," slippery-but-dangerous chemicals now banned in the Games, NYT reports.

Trump administration

Talk about bully: Al Jazeera reports that the US is actively urging governments to pressure the small island country of Vanuatu to withdraw a United Nations draft resolution supporting a landmark International Court of Justice (ICJ) ruling that countries have a legal obligation to act on climate change to act on the "existential threat" of climate change.

So is it any surprise that Energy Secretary Chris Wright just threatened to pull America out of the International Energy Agency, because it works on deploying renewable energy?

Trump's Interior Secretary Doug Burgum said last weekend that the seven Western states that rely on water from the Colorado River had missed a Valentine's Day deadline to reach consensus on a plan to guide use of the river over the coming decades. **Scott Dance** reports that the federal Bureau of Reclamation could soon impose its own plan.

Trump's new food pyramid: **Emily Stewart** at Business Insider, for seven days, followed the "RFK diet" on a $15-a-day budget to "see just how realistic this whole thing was." If that wasn't depressing enough, Stewart relied on AI-assisted meal planning. SMH. A truly ill-advised assignment. "Bread with peanut butter" sounds like the highlight.

Plans by the administration to outsource the federal government's climate research supercomputer "will add significant cost to an already stressed US homeowners insurance market as US and international insurers and reinsurers face uncertainty regarding access to foundational data that helps measure and model extreme weather losses," according to Risk Market News.

A new report from the watchdog group Environmental Integrity Project shows the Trump EPA has initiated a record low number of actions against polluters, compared to past administrations – even compared to Trump's first term in office. The group found that only 16 legal actions were taken against alleged polluters on the EPA's behalf by the Department of Justice.

At least a third of the lawyers on staff at the Justice Department's environment division have walked out the door, **Pamela King** reports for Politico, gutting the government's capacity to defend its own energy and climate policies and

kneecapping its power to keep polluters in check. “Over the last 12 months, at least 140 lawyers have departed — by force or by choice — DOJ’s Environment and Natural Resources Division.”

Corporations including ExxonMobil are spending millions to promote Trump policy initiatives by sponsoring Freedom 250, which bills itself as a “non-partisan organization leading the celebration of our Nation’s 250th birthday,” reports **Judd Legum**.

LA and California



My Emmett Institute colleague **Mary Nichols** co-wrote an Op Ed in the LA Times about why gas exports could wreck the ecosystem around the Sea of Cortez. “In 2026, the future of the Gulf of California presents a crossroad for the planet and a fundamental choice for Sempra. We urge the company to adhere to its own environmental standards and cancel Vista Pacifico.”

Oil and gas regulators permanently plugged all 21 oil wells at the AllenCo Energy drill site in University Park, which **Tony Briscoe** calls “one of the most infamous

drill sites in Los Angeles, bringing an end to a decades-long community campaign to prevent dangerous gas leaks and spills from rundown extraction equipment." The company should be on the hook, not taxpayers, but AllenCo "ignored the order" to plug the wells after it was determined that the company had essentially deserted the site, leaving the wells unplugged and in an unsafe condition.

With LA facing a backlog of 33,000 streetlight repairs, five City Council members have proposed spending $65 million to convert streetlights to solar power, the LA Times reports. About 60,000 streetlights are eligible to be converted to solar, according to Councilmember Katy Yaroslavsky, one of the co-authors.

Congestion pricing has worked to ease clogged traffic in many busy areas, and it can work at LAX too, writes **Paul Thornton** at Golden State Report. "There's currently no serious proposal for congestion pricing at LAX, which is a shame: Its use there could demonstrate its value on roads throughout Southern California."

Bloomberg's City Lab does a long feature on Metro's proposed Transit Corridor project through the Sepulveda pass. "You shrink the city," **Michael Schneider** said. "And all of a sudden people are like, 'Oh my God, I know I voted for this thing back in 2016 but this is really cool. How do we get more of it?'"

One democratic strategist told Politico that the race for state insurance commissioner is "the most interesting of all the down ballot constitutional races in California," pointing to voter concern over affordability. Candidates now include: Sen. **Ben Allen**, former state Sen. **Steven Bradford**, former San Francisco Supervisor **Jane Kim** and investment manager **Patrick Wolff** vying for the Dem nomination, alongside Republican insurance agent **Stacy Korsgaden**.

Attorney General Rob Bonta has launched a civil rights investigation into the emergency response to the Los Angeles fires, focusing especially on historically Black west Altadena.

Governor Newsom signed a new MOU in London with U.K. Energy Secretary Ed Miliband pledging cooperation on clean energy technologies, including offshore wind. Trump whined about it.

A new report from the **Climate Center** finds the combined value of free Cap-and-Trade allowances given to oil refiners and drillers and Low Carbon Fuel Standard (LCFS) credits awarded to oil companies and other biofuel suppliers totaled roughly

$27.8 billion (in constant 2023 dollars) over 12 years.

The California Fish and Game Commission last week voted unanimously to list six groups of Central Coast and Southern California mountain lions as threatened under the California Endangered Species Act, **Rachel Becker** writes.

Energy

Oh my gawd, bipartisan agreement.

At least some Republicans and Democrats seem to agree on at least two things: geothermal energy is good and data centers driving up electric bills is bad.

Senators Josh Hawley and Richard Blumenthal last week introduced the first bipartisan bill in Congress aimed at preventing data center power usage from spiking consumers' electric bills, NBC reports.

Massachusetts Representative Jake Auchincloss and Republican Representative Mark Amodei of Nevada introduced the Hot Rock Act, focusing specifically on "superhot" or "supercritical" geothermal resources. **Matthew Zeitlin** at Heatmap got a sneak peak. The bill would boost the geothermal industry and create NEPA exemptions.

In Georgia, one of the three remaining Republicans on that state's five-member Public Service Commission is stepping aside in this year's election, leaving one more open seat for Democrats to try for.

More press for the growing trend of state legislatures introducing bills allowing residents to plug small solar systems straight into a wall socket. **Claire Brown** writes that Utah was the first to pass such a bill and that legislators in 23 other states have announced similar bills, including California and New York.