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7 Enviro Cases To Watch At The Supreme Court

By **Juan-Carlos Rodriguez**

Law360 (September 9, 2025, 9:27 PM EDT) -- The U.S. Supreme Court is considering a slew of environmental cases for the coming term, including jurisdiction disputes in pipeline and pollution cases, a challenge to a Washington state climate change law and Monsanto's bid to undo a $1.2 million weed killer cancer award.

With the high court's opening conference set for Sept. 29 and two environmental cases already accepted for review, the upcoming term promises to bring important new rulings to the practice area.

Here, Law360 looks at the biggest environmental law cases that the justices will weigh in on over the next few months.

Enbridge v. Nessel

The justices agreed to review the Sixth Circuit's ruling that Enbridge Energy missed a deadline to transfer to federal court a suit from Michigan's attorney general seeking to block a pipeline.

Enbridge argued that the Sixth Circuit deepened a circuit split when it ruled that the company had missed the statutory deadline to transfer the dispute over the location of its Line 5 pipeline. The company argued that district court judges can equitably toll the 30-day time limit for removing a case if circumstances call for it.

Amanda Shafer Berman, a partner at Crowell & Moring LLP, said the case may help determine "the extent to which the federal courts can bypass normal rules to assert their authority" in infrastructure project disputes.

"It is hard to imagine many cases that would be considered to present facts warranting removal years after filing — but this is not a normal case, given its intrastate and international energy-supply implications," Berman said.

She said that if the Supreme Court sides with Enbridge, it would set a precedent that other litigants may be able to take advantage of.

The case is Enbridge Energy LP et al. v. Nessel, case number 24-783, in the U.S. Supreme Court.

Chevron v. Plaquemines Parish

The high court will also review the Fifth Circuit's ruling that Louisiana state court — not federal court — is the proper venue for claims that Chevron's and Exxon Mobil's World War II-era oil production activities violated state laws designed to protect coastal areas.

The companies say the Fifth Circuit's 2-1 decision misinterprets the federal officer removal statute, which gives federal courts jurisdiction over civil suits against parties acting under or as an officer of the U.S. government.

The companies said the law helps ensure that private actors that are sued for helping federal officials with "duties that are nationally important but locally unpopular" can be litigated in federal court, where they'll be free of "local interests or prejudices."

Louisiana and the parishes alleged the oil companies unlawfully damaged coastal areas in search of crude oil that they and other companies later refined into aviation fuel that was used by the U.S. military during World War II.

Last year, a split Fifth Circuit panel upheld a Louisiana federal district court's decision to remand to state court the state's and Plaquemines and Cameron parishes' lawsuits.

The case is Chevron USA Inc. et al. v. Plaquemines Parish, Louisiana et al., case number 24-813, in the Supreme Court of the United States.

Invenergy Thermal v. Sixkiller

Ohio-based Invenergy Thermal LLC has asked the Supreme Court to review the Ninth Circuit's decision to uphold Washington state's Climate Commitment Act.

Invenergy argues that the law violates the Constitution's dormant commerce clause, which bars states from discriminating against interstate commercial activity by leaving such trade oversight to the federal government.

"The CCA imposes steep compliance costs on power plants in the state, requiring them to purchase 'allowances' for millions of dollars to offset their emissions," the company said in its petition to the high court. "However, following an intense lobbying effort, Washington's legislators gave incumbent in-state utilities — and in-state utilities alone — an enormous carveout from the CCA: 'no-cost allowances' that allow in-state utilities to mitigate or entirely eliminate the financial burdens of compliance."

This provision of the law violates the dormant commerce clause because out-of-state power providers like Invenergy must purchase credits that in-state providers don't, putting them at a competitive disadvantage, Invenergy says.

According to the company, the Ninth Circuit's decision improperly allows states to enact "economic protectionism" that stops new, out-of-state companies from competing against in-state ones.

"This standard will have serious ramifications for the free flow of electricity and competition across state lines," the company said in its petition. "Applied more broadly, it will permit other states to further distort other energy markets across the Ninth Circuit and the nation."

The case is Invenergy Thermal LLC v. Casey Sixkiller et al., number 24-1027 in the Supreme Court of the United States.

Monsanto v. Durnell

Monsanto has asked the high court to undo a $1.2 million jury award given to a man who claimed that the company's Roundup weed killer caused his cancer, after which the justices asked the U.S. solicitor general to weigh in on the company's petition.

Monsanto says the high court should resolve a circuit split on whether federal law preempts certain state liability claims.

The case stems from a 2019 lawsuit filed by John L. Durnell, who developed non-Hodgkin lymphoma after exposure to Roundup and alleges that Bayer subsidiary Monsanto was required to warn consumers that Roundup is carcinogenic under Missouri law.

In its petition, Monsanto said Durnell's failure-to-warn claim is preempted by the Federal Insecticide, Fungicide and Rodenticide Act, which it said includes a provision that preempts all state requirements for labeling and packaging that are "in addition to or different from those required under" FIFRA.

The case is Monsanto Co. v. John L. Durnell, case number 24-1068, in the U.S. Supreme Court.

St. James Parish v. Inclusive Louisiana

St. James Parish, Louisiana, has asked the Supreme Court to sink a lawsuit accusing it of steering hazardous industrial facilities into Black communities.

In April, the Fifth Circuit revived the case, holding that claims from a church and two resident groups in an area dubbed "Cancer Alley" were timely and alleged concrete injuries.

A Louisiana federal judge had ruled in 2023 that the bulk of the groups' constitutional and civil rights claims against the parish were barred under a one-year statute of limitations, but the three-judge Fifth Circuit panel disagreed.

In its petition for a writ of certiorari, the parish said the groups lack standing to pursue their claims, and that the claims are foreclosed because they were asserted after the statute of limitations expired.

"The plaintiffs simply want to eliminate and stop industrial growth," the parish said. "In this suit, the plaintiffs dress up environmental justice arguments and assertions as constitutional and religious liberty claims to attempt to cobble together standing against the Parish and to revive claims that have long been time-barred."

The case is St. James Parish v. Inclusive Louisiana et al., number 25-195 in the Supreme Court of the United States.

Suncor v. Boulder

Exxon Mobil Corp. and Suncor Energy Inc. have asked the U.S. Supreme Court to review the Colorado Supreme Court's decision allowing the city and county of Boulder's climate change tort against the

companies to proceed in state court.

Boulder has asserted claims for public and private nuisance, trespass, unjust enrichment and civil conspiracy, and is seeking damages for the role that fossil fuel production, promotion, refining, marketing and sale has played in exacerbating climate change, which the city says has caused harm to its property and residents.

But the companies say the lawsuit is preempted by the federal Clean Air Act.

"As the court has recognized for over a century, the structure of our constitutional system does not permit a state to provide relief under state law from outside the state," Exxon and Suncor said in their petition. "This case presents the question whether that longstanding principle precludes the state-law claims in the nationwide climate-change litigation."

R. Justin Smith, of counsel at Beveridge & Diamond PC, noted that Boulder's lawsuit is part of a growing wave of climate liability lawsuits brought by states and municipalities against major oil and gas companies.

"If the court grants review, the decision will determine whether the dozens of pending climate change damages suits can proceed, and may also have implications for other state laws addressing damages for climate change," Smith said.

The case is Suncor Energy (USA) Inc. et al. v. County Commissioners of Boulder County et al., case number 25-170, in the Supreme Court of the United States.

Nebraska v. Colorado

Nebraska has asked the justices to weigh in on its allegations that Colorado is failing to deliver water from the South Platte River as obligated by the terms of an early 20th-century compact.

According to Nebraska, Colorado has allowed water diversions prohibited by the South Platte River Compact, signed by the states in 1923 and approved by Congress in 1926. Those diversions have resulted in diminished downstream water flows, Nebraska said.

It also said that Colorado is "frustrating" its efforts to build a canal that would facilitate better delivery of water. Nebraska said it has the right to acquire lands "suitable for the canal system" within Colorado, and that it's engaged in negotiations with Colorado landowners "but has met little success."

Nebraska argues that federal courts should decide the matter, but said Colorado has maintained that the dispute should proceed in its own water courts.

The case is Nebraska v. Colorado, case number 22O161, in the Supreme Court of the United States.

--Additional reporting by Carolyn Muyskens, Madeline Lyskawa, Lauren Berg and Tom Lotshaw. Editing by Alanna Weissman.
