

# Biden Judges and the Environment, Health & Safety

Right-wing judges often rule for corporate polluters and others that endanger our environment, health and safety. Fortunately, Biden district and appellate judges have acted in half a dozen cases that have helped protect these values. Confirmation of more such fair-minded judges is crucial.

## Environment

Biden judges have written opinions that have upheld anti-pollution rules against industry attack and authorized citizens' lawsuits to help protect the environment. For example, Biden D.C. Circuit judge Michelle Childs wrote an opinion that [rejected](#) power companies' challenge to EPA rules that require them to cut harmful pollution, when that pollution blows across state lines.

In some cases, Biden judges have made the difference between Trump judge rulings in favor of corporations and decisions that have helped protect the environment.

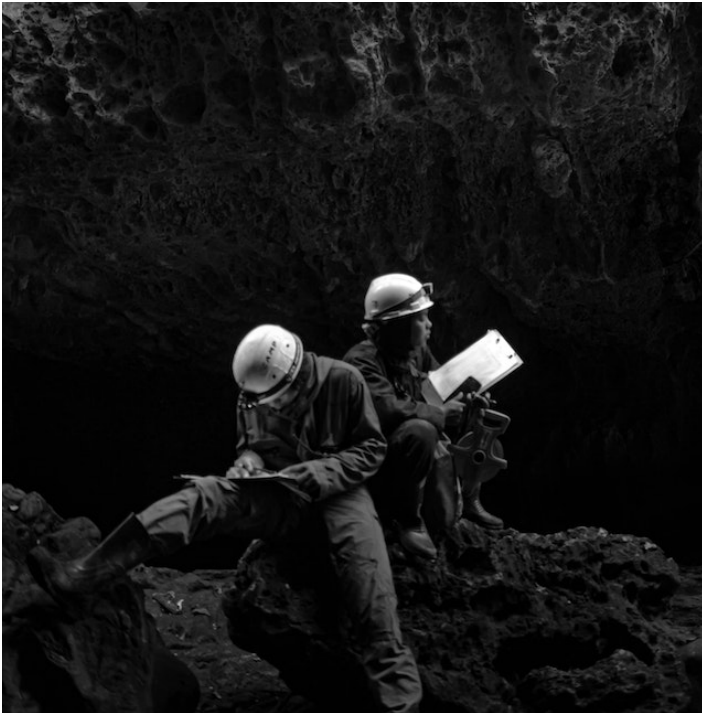
For example, a Trump district judge stopped a local environmental group from suing under the Clean Water Act to challenge harmful pollution created by a developer in South Carolina. Biden Fourth Circuit judge Toby Heytens wrote a 2-1 [decision](#) that reversed the lower court and authorized the lawsuit to proceed, despite a Trump judge dissent.

## Health and Safety

Biden judges have played an important role in several cases concerning health and safety issues related to coal mining.

For example, Andy Bailey worked in Tennessee coal mines over a 10-year period, and developed serious health problems. He had both legs amputated due to vascular and circulatory problems, had several heart attacks, and had to be on oxygen. He filed a claim for Black Lung benefit, which was pursued by his widow and was granted by the Department of Labor. But his coal company employer tried to reverse the ruling. Biden Sixth Circuit judge Stephanie Davis cast the deciding vote to [uphold](#) the benefits award to his widow.





In another coal mining case, Biden D.C. Circuit judge Michelle Childs wrote a unanimous opinion [upholding](#) a fine levied by a federal agency against a mining contractor. The company had agreed it had been negligent and helped create serious hazards for miners, but it claimed the agency had misinterpreted the federal law concerning the amount of the fine.

Judge Childs's opinion rejecting the corporation's challenge will be important in future cases, including a pending Supreme Court case concerning proper deference to an agency's interpretation of laws that govern its work.

In an important case concerning public health, two Biden judges [rejected](#) a corporation's challenge to an FDA order that banned it from marketing flavored e-cigarettes.

Congress has mandated that the agency can approve marketing e-cigarettes only where it would be "appropriate for the public health," but the FDA found that instead, the product risks endangering public health by encouraging youth smoking. Biden Second Circuit judge Myrna Perez wrote a unanimous opinion, joined by Biden judge Sarah Merriam, that dismissed the challenge and upheld the FDA ruling.

