Law Profs Issue Takedown of Decision Striking Fracking Rule

Dozens of law professors banded together to assail a federal court's recent decision striking down the Obama administration's hydraulic fracturing rule, **according to a report** in E&E Publishing's EnergyWire.

The report says 36 energy, public lands and environmental law experts filed a friend-of-the-court brief with the 10th Circuit, arguing that the U.S. District Court for the District of Wyoming got it wrong when it found fracking to be beyond the authority of the Interior Department and its Bureau of Land Management.

"The lower court's decision has no basis in legal precedent or relevant statutes and violates basic canons of statutory interpretation," the professors told the 10th U.S. Circuit Court of Appeals, which is reviewing the decision. "It reads a sweeping government-wide exclusion into a surgical amendment explicitly tied to one statute. As a result of this decision, the BLM cannot fulfill its statutory mandate to serve as the chief steward of our public lands."

"In particular, the professors take issue with the lower court's interpretation of the Safe Drinking Water Act, as amended by the Energy Policy Act of 2005," writes E&E Publishing reporter **Ellen M. Gilmer**.

Read the article.