

GINSBURG, J., concurring in judgment

SUPREME COURT OF THE UNITED STATES

No. 96-643

STEEL COMPANY, AKA CHICAGO STEEL AND PICK-
LING COMPANY, PETITIONER *v.* CITIZENS
FOR A BETTER ENVIRONMENT

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SEVENTH CIRCUIT

[March 4, 1998]

JUSTICE GINSBURG, concurring in the judgment.

Congress has authorized citizen suits to enforce the Emergency Planning and Community Right-to-Know Act of 1986, 42 U. S. C. §11001 *et seq.* Does that authorization, as Congress designed it, permit citizen suits for wholly past violations? For the reasons stated by JUSTICE STEVENS in Part III of his opinion, I agree that the answer is “No.” I would follow the path this Court marked in *Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Foundation, Inc.*, 484 U. S. 49, 60–61 (1987), and resist expounding or offering advice on the constitutionality of what Congress might have done, but did not do.