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THE FAULT IN OUR STARS: CHALLENGING THE FCC'S TREATMENT OF COMMERCIAL
SATELLITES AS CATEGORICALLY EXCLUDED FROM REVIEW UNDER THE NATIONAL
ENVIRONMENTAL POLICY ACT**Abstract**

Mega satellite constellations, such as SpaceX's Starlink, have the ability to connect humans across the globe in a way never before possible. However, the unprecedented deployment of tens of thousands of satellites into orbit around Earth creates the risk of altering the night sky for astronomers and the public for decades to come, as well as the risk of polluting the environment through the use of toxic satellite components. The Federal Communications Commission considers commercial-satellite projects categorically excluded from environmental review despite the National Environmental Policy Act's requirement that federal agencies review projects for their environmental effects. A federal court would likely strike down the FCC's categorical exclusion for its lack of specificity and find that the agency is required to review commercial-satellite projects since they are likely to have direct, indirect, and cumulative effects on the environment. To prevent a challenge in court, the FCC should use NASA's satellite project review model and complete an environmental assessment of commonly used satellite components so that future commercial-satellite projects using those components do not need to go through an environmental assessment during their application process. This would create standards in the commercial-satellite industry that promote economic growth and stability while complying with Congress's mandate to the federal government to proactively consider the environmental impacts of its actions.