

CLF NEWS

For Immediate Release

Please Contact: Colin Durrant, 617-850-1722 (office), 617-416-2187 (cell)

STATES, ENVIRONMENTALISTS SEEK REVERSAL OF EPA'S TAILPIPE EMISSIONS WAIVER DENIAL

(January 2, 2008) Sixteen states and five environmental groups today asked a federal court to reverse the Environmental Protection Agency's December 19th decision to deny a waiver request that would have allowed California and sixteen other states to adopt tougher greenhouse gas emissions standards for cars and trucks than the federal government requires.

Under the Clean Air Act, California has the right to set the tougher pollution controls with a waiver approval from the EPA. It also grants other states the right to adopt California's stricter standards. Maine, Massachusetts, Vermont, and Rhode Island are among the sixteen that have adopted or have said they will adopt the stricter California-based regulations.

In a petition filed with the 9th Circuit Court of Appeals, the sixteen states were joined by the Conservation Law Foundation (CLF), Sierra Club, Natural Resources Defense Council, Environmental Defense Fund and International Center for Technology Assessment in requesting that the Court overturn the agency's decision and allow the states to adopt the tougher tailpipe emissions standards.

"The EPA's decision violates federal law and completely undermines the states' right to protect their residents from the devastating health and environmental impacts of global climate change," said CLF president Philip Warburg.

In April 2007, in response to a case filed by several states, the Supreme Court held that the Clean Air Act gives EPA the authority to regulate global warming pollution from cars and trucks. At the same time that case was making its way through the courts, national automakers filed several lawsuits seeking to block individual states' rights, under the Clean Air Act, to enact the California-based emissions standards. And in September 2007, a federal judge in Vermont rejected a lawsuit from the automakers, ruling that Vermont's right under the Clean Air Act to set tougher tailpipe emissions standards is not preempted by the Energy Policy and Conservation Act.

"Transportation is the largest and fastest growing source of greenhouse gas emissions in New England. Our states deserve - and indeed, under the Clean Air Act, have the right - to seek the reductions in automobile emissions necessary to combat global warming," said Seth Kaplan, CLF's Vice President for Climate Advocacy. "The auto industry cries wolf when it claims automakers will be subject to a confusing 'patchwork' of standards—there is no patchwork; automakers will be subject to the California and federal standards—the Clean Air Act has for decades provided for this possibility. Automakers can comply by adopting readily available technology. They should stop wasting time and money in court."

In addition to California, the other states filing the petition today are: Arizona, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington.

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