

# NEWS ADVISORY

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## Brown Hails Court Rejection Of Automaker Challenge To Tailpipe Emissions Law

FRESNO—California Attorney General Edmund G. Brown Jr. today hailed the United States Eastern District Court's "stinging rejection" of an automobile industry challenge to California's landmark motor vehicle emissions standards. The emissions standard, established by AB 1493 in 2002, requires a 30 percent reduction in tailpipe greenhouse gas emissions by 2016, starting with model year 2009.

"This is the fourth major legal victory for California and a stinging rejection of the automobile industry's legal challenge to greenhouse gas emissions standards," Attorney General Brown said. "This court ruling leaves the Bush administration as the last remaining roadblock to California's regulation of tailpipe greenhouse gas emissions," Brown added.

Under today's decision, the Court concluded that both the United States Environmental Protection Agency and California are equally empowered under the Clean Air Act to set regulations limiting greenhouse gas emissions from motor vehicles. The court also ruled that California regulations do not conflict with federal authority. Under today's decision, the Court:

- Rejected the automakers' claim that United States foreign policy and federal fuel economy laws preempt state authority to curb emissions.
- Ruled that if California's motor vehicle regulations are approved by EPA, enforcement of the regulations will be consistent with federal law.

The court held that there is no conflict between EPA's or California's duty to regulate emissions and the federal National Highway Traffic Safety Administration's authority to set fuel efficiency standards. The court held that mileage standards should be harmonized with the California's emission regulations.

Today's decision leaves the EPA, which has failed to act on California's request to impose tough emissions standards, as the last remaining roadblock to implementing the law. Under the Clean Air Act, California can adopt this standard if it obtains a waiver from the EPA. The Bush administration has been ducking California's request since 2005.

After two years of delay on this request, Attorney General Brown and Governor Schwarzenegger sued the EPA in November, demanding a response. Fourteen other states—The Commonwealth of Massachusetts and the States of New York, Arizona, Connecticut, Illinois, Maine, Maryland, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington, and the Commonwealth of Pennsylvania Department of Environmental Protection—joined California as interveners in that lawsuit against EPA. Under the Clean Air Act, other states can adopt California standards after California gets a waiver from EPA.

EPA has said it will make a decision by the end of the year.

In September, a Vermont District Court also ruled in favor of the state regulations, rejecting a similar challenge from the automobile industry.

There are 32 million registered vehicles in California, twice the number of any other state. Cars generate 20% of all human-made carbon dioxide emissions in the United States, and at least 30% of such emissions in California. If California's landmark global warming law—and the corresponding 30% improvement in emissions standards—were adopted nationally, the United States could cut annual oil imports by \$100 billion dollars, at \$50 per barrel.

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