

NEWS RELEASE



Attorney General Edmund G. Brown Jr.
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Attorney General Brown Hails Court's Rejection of Federal Gas Mileage Standards

SAN FRANCISCO--California Attorney General Edmund G. Brown Jr. today hailed the 9th Circuit's decision striking down national automobile mileage standards, calling it a "stunning rebuke" to the Bush administration's failed energy policies.

Commenting on the decision Attorney General Brown said, "This decision sends a clear message that the Congress must get serious about combating dangerous foreign oil dependency and global warming. This is a major victory and a stunning rebuke to the Bush administration and its failed energy policies."

In May, Attorney General Brown had argued that the administration had failed to consider the effects of vehicles' greenhouse gas emissions on global warming, a requirement under the National Environmental Policy Act, when formulating new mileage standards. Brown asserted that the National Highway Traffic Safety Administration's mileage standards violated federal law by ignoring both global warming and America's "dangerous foreign oil dependency."

Under the Energy Policy and Conservation Act—adopted four decades ago in response to the Arab oil crisis—the National Highway Traffic Safety Administration sets gas mileage standards for motor vehicles. The Administration, under Bush, ordered a pathetic one mile per gallon increase, from 22 to 23 miles per gallon by 2010, which Brown challenged in court as a violation of federal environmental law.

"A paltry one-mile-per gallon increase in gas mileage was clearly unlawful," said Brown, "and today's decision to reject that dangerously misguided policy is a victory for states that want to fight climate disruption and oil dependency."

Other states and national environmental organizations that joined the lawsuit against the Bush Administration include: Connecticut, Maine, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, New York, the District of Columbia, New York City, the Center for Biological Diversity, Natural Resources Defense Council, Environmental Defense and the Sierra Club.

Last week, Attorney General Brown joined sixteen states in petitioning Congress to protect California's landmark motor vehicle greenhouse gas emissions law, known as the Pavley Bill, from federal preemption. Brown sent a letter to Senate Majority Leader Harry Reid and House Speaker Nancy Pelosi, urging Congress to "clearly and unambiguously protect the States' existing authority to set new motor vehicle emission standards under the Clean Air Act."

Brown wrote the letter because influential members of Congress are threatening to change federal automobile fuel economy standards, and at the same time preempt California's ability to set tailpipe

restrictions on greenhouse gas emissions.

The Energy Bill is a federal effort to improve fuel efficiency and reduce dependency on foreign oil. Congress is currently working to reconcile House and Senate versions of the energy bill—HR 3221 and HR 6.

Attorney General Brown asked Congress to make sure that the Energy Bill would not undermine state authority to set tough greenhouse gas emissions standards. Brown suggested that the most direct way to protect California’s greenhouse gases would be to adopt the following provision: “Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act.”

Under the Clean Air Act, there are two sets of emissions standards for motor vehicles—those adopted by EPA and those adopted by California, which are approved by the EPA in a formal waiver process. In addition, there are also federal Corporate Average Fuel Economy (CAFE) standards set by National Highway Transportation Safety Association.

The case is California v. National Highway Traffic Safety Administration, 06-72317.

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