

Illinois Attorney General Challenges U.S. EPA's Move to Block States on Auto Emissions

Today Illinois Attorney General Lisa Madigan has joined 14 other states in petitioning to intervene in support of California's petition for judicial review of a recent U.S. EPA decision to block states from regulating global warming pollution from motor vehicles. The decision in question came on December 19, two years after California asked U.S. EPA to for authorization to implement landmark global warming rules limiting global warming gases from automobiles, when U.S. EPA Administrator Stephen Johnson denied that request.

"U.S. EPA is blocking the states from using the most effective tool they have to curb global warming pollution," said Rebecca Stanfield, Director of Environment Illinois. "We believe that the court will find that Administrator Johnson was not acting within his authority when he denied California's request, and we are glad that Attorney General Madigan is challenging this decision," she continued.

Under the Clean Air Act, California has the right to adopt its own emission standards for automobiles, and other states have the right to opt into the California emissions program rather than the federal program. Procedurally, California must first establish regulations, then must obtain a federal waiver of preemption. The Clean Air Act requires EPA to grant California the waiver unless the agency carries the burden of proving those standards cannot be met. The EPA has granted over 50 waivers to California, and has never before refused to grant a waiver.

This year, the U.S. Supreme Court clearly ruled that EPA has the authority *and obligation* to control motor vehicle GHG emissions. Two federal courts have ruled that California has the legal right to set its own motor vehicle GHG standards, and other states have the right to adopt them. These significant court decisions have affirmed California's authority under the Clean Air Act to control motor vehicle GHGs and for other states to adopt the CA standards.

"Unfortunately, while this works its way through the courts, the public and the planet will suffer from diverted resources and delayed action on climate change due to the federal government standing in the way of state action to address global warming," concluded Stanfield.

Other states filing for judicial review of the Administrator's decision include: New York, Massachusetts, Arizona, Connecticut, Delaware, Maine, Maryland, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington and Pennsylvania.

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