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New Mexico Joins 14 States in Suing EPA Over Clean Car Denial *States Refuse to Stand by While EPA Does Nothing to Combat Climate Change*

(Santa Fe) — New Mexico joined 14 states in a lawsuit against the U.S. Environmental Protection Agency today because of the agency's failure to grant a waiver to California for the Clean Car program. The waiver would have allowed states to implement a program to dramatically reduce greenhouse gas emissions from cars and trucks.

"New Mexico is taking action because the Bush Administration is showing a total lack of legal, moral and policy leadership on climate change," Governor Richardson said. "This rejection of the California Clean Cars program demonstrates a blatant disregard for the consequences of global warming on this nation and is a rejection of the best and most cost effective way to aggressively reduce greenhouse gas emissions. The states will not stand by and do nothing while the EPA fails to protect the health and welfare of this nation's citizens."

Transportation accounts for about 17 percent of New Mexico's greenhouse gas emissions and is the third largest and fastest growing source of those emissions in the state.

"The Clean Cars program is a sensible, fair method to reduce emissions from the transportation sector, the third largest contributor of greenhouse gas emissions in New Mexico," said New Mexico Environment Department Secretary Ron Curry. "This program doesn't just reduce greenhouse gas emissions, it also fights ground level ozone, a major contributor to asthma attacks in children and the elderly. The EPA's refusal to act will negatively impact the health of our most vulnerable citizens."

California filed the lawsuit today in the Ninth Circuit Court of Appeals. The New Mexico Attorney General's Office is representing the state in the lawsuit, which also includes New York, Massachusetts, Arizona, Connecticut, Delaware, Illinois, Maine, Maryland, New Jersey, Oregon, Rhode Island, Vermont, Washington, and Pennsylvania.

"We strongly believe that the EPA's decision to deny California's petition to set its own auto emission standards is contrary to both the clear direction of Congress and the best interests of our environment and the health of our citizens," said Stephen Farris, Water, Utilities and Environment Division Director for New Mexico Attorney General Gary King. "For that reason we joined with the other affected states and have moved to intervene in California's appeal of the

EPA's decision. Regrettably the EPA's decision will cause unnecessary delay in protecting our environment and citizens simply because they have forced what should have been a simple administrative decision into the federal courts."

Auto emissions are the second largest source of greenhouse gas emissions nationally and will grow rapidly if left unchecked. California has the authority under the Federal Clean Air Act to set its own tougher-than-federal vehicle emission standards if it obtains a waiver from the EPA. The EPA has never before denied a waiver for California.

These Clean Cars regulations would have included 35 percent of the American population — about 104 million people and about 78 million potential car buyers to take part in aggressive steps to curb global warming.

Federal courts in Vermont and California ruled in favor of the Clean Cars program and the U.S. Supreme Court directed the EPA to take action on global warming.

A future presidential administration's EPA could grant the waiver in time for New Mexico and other states to implement the standards.

Last month, New Mexico became the first Intermountain state and the thirteenth state in the nation to adopt the Clean Car program after the Environmental Improvement Board and the Albuquerque-Bernalillo Air Quality Control Board voted to approve the regulations that address climate change by reducing greenhouse gas emissions from cars. The program, which became effective January 1, 2008, requires car manufacturers to sell and lease vehicles that meet the standards beginning with model year 2011. The program only applies to new vehicles and will not affect new or used cars sold before that model year.

The program requires reductions in tailpipe emissions to reduce air pollution, overall reduction of greenhouse gas emissions from vehicles sold in the state and sales of some Zero Emission Vehicles in the state. The program regulates emissions of nonmethane organic gases, carbon monoxide, oxides of nitrogen, particulate matter and greenhouse gases. Greenhouse gases include carbon dioxide, methane, nitrous oxide and air conditioning refrigerants.

Under the program, consumers will be able to purchase the same cars and light trucks but those vehicles will be manufactured slightly differently to reduce air pollution from the vehicle's tailpipe and gain greater fuel economy.

Under the leadership of Governor Richardson, New Mexico is a leader among states in addressing climate change. Governor Richardson established tough state greenhouse gas emissions reduction targets of 2000 levels by the year 2012, 10 percent below 2000 levels by 2020 and 75 percent below 2000 levels by 2050.

Governor Richardson also established the New Mexico Climate Change Advisory Group, a diverse group of 40 stakeholders from industry, environmental groups and local and tribal governments. The group developed 69 greenhouse gas emissions reduction strategies to achieve the Governor's emissions reduction targets. The group unanimously forwarded 67 of the

recommendations to the Governor. This includes the adoption of the Clean Cars program. The state will exceed the Governor's emissions reduction targets when it implements the group's recommendations.

Under Governor Richardson's administration, New Mexico also joined seven states and provinces in the Western Climate Initiative, which commits those states to Clean Cars as part of a collaborative regional effort.

Governor Richardson last year joined 13 governors in calling on automobile manufacturers to produce cars with a cleaner carbon footprint, withdraw legal challenges to clean vehicle standards, and begin working with the states to reverse the threat of global warming. New Mexico was also the first state in the nation to join the Chicago Climate Exchange and the first major energy state to fight climate change.

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