

**American Council for an Energy Efficient Economy ◇ Environmental Defense  
Greenpeace ◇ League of Conservation Voters ◇ National Environmental Trust  
Natural Resources Defense Council ◇ Sierra Club  
U.S. Public Interest Research Group ◇ Union of Concerned Scientists**

**HOW HILL-TERRY THREATENS TO OVERTURN  
THE SUPREME COURT'S GLOBAL WARMING DECISION AND BLOCK  
CALIFORNIA'S CLEAN CAR STANDARDS**

In a landmark decision this April, the Supreme Court ruled in *Massachusetts v. EPA* that carbon dioxide is an “air pollutant” under the Clean Air Act and that EPA has “unambiguous” authority to set standards for global warming pollution from new cars and trucks.

- Since then, President Bush has ordered EPA, coordinating with other agencies, to set global warming standards for vehicles and fuels before the end of 2008.
- EPA has also committed to ruling this year on California’s clean car standards. Eleven other states (CT, MA, MD, ME, NJ, NY, OR, PA, RI, VT, and WA) have already signed on to California’s standards, and at least three more states (AZ, FL, NM) are coming on board.

**Hill-Terry threatens to undo all that.** Here’s how:

In *Massachusetts v. EPA*, the Supreme Court rejected the argument that CAFE is the exclusive authority for addressing vehicles’ contribution to global warming, saying:

“EPA has been charged with protecting the public’s “health” and “welfare,” a statutory obligation wholly independent of DOT’s mandate to promote energy efficiency. The two obligations may overlap, but there is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency.”

Hill-Terry threatens this balance by ordering DOT to set its standards in terms of both “miles per gallon” and “grams of carbon dioxide per mile.” It also defines “fuel economy” to include “carbon efficiency.”

- With these simple changes, Hill-Terry opens the door for the Bush administration and the auto industry to argue that Congress has overturned *Massachusetts v. EPA*, stripping EPA and California of their Clean Air Act authority.
- At a minimum, Hill-Terry invites years of new litigation, allowing automakers to tie up the Nation’s efforts to cut our dangerous oil dependence and curb global warming.

**Hill-Terry also preempts states’ challenge to DOT’s weak standards.** California and other states are challenging DOT’s anemic CAFE standards for 2008-2011 light trucks. The bill simply deems these standards to be valid, cutting off the states’ legal rights.