



Natural Resources Defense Council

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news release

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CONTACT: Craig Noble at 415-875-6100 (office) or 415-601-8235 (mobile)
David Doniger at 202-445-9023 (mobile)

Federal Court in Fresno Stays Automakers' Lawsuit Against California Global Warming Law

Judge Says Decision in Related U.S. Supreme Court Case Likely to Affect California Outcome

(January 16, 2007) – A federal judge in Fresno, Calif. today postponed trial of the auto industry's lawsuit against California's landmark clean cars global warming standards until the U.S. Supreme Court issues its decision in a closely related case later this spring.

In a victory for the state and its environmental allies, Judge Anthony Ishii decided to wait for the Supreme Court's decision in *Massachusetts v. EPA* before holding a lengthy and costly trial on the auto industry's lawsuit.

"Judge Ishii has rebuffed the auto industry's latest effort to block California's landmark global warming law," said David Doniger, NRDC's attorney in both the California and Supreme Court cases. "He has decided to wait for the Supreme Court's word on whether the federal Clean Air Act covers the pollution that causes global warming."

In the Massachusetts case, NRDC joined California, 11 other states, and environmental organizations to challenge the Bush administration's claim that the Clean Air Act gives it no power to curb global warming pollution. Judge Ishii ruled today that the two cases pose such similar issues that the Supreme Court's decision in the Massachusetts case is likely to control the outcome of the California case. The high court is expected to rule by June.

The car companies claim California's global warming pollution standards conflict with the federal fuel economy law. Judge Ishii found that's essentially the same argument the Bush administration and the auto industry are making in the Supreme Court. If the Supreme Court rebuffs their argument and decides the federal Clean Air Act covers global warming pollution, then California's authority will be clear.

The state of California and all other parties – including both plaintiffs and defendants – agree that California cannot enforce its standards until the U.S. Environmental Protection Agency (EPA) grants it a "waiver" under the Clean Air Act.

"For four decades EPA has almost always approved California's vehicle emission standards," said Doniger. "We're confident that after the Supreme Court rules, EPA will follow the law and allow California's historic standards to go forward."

(more)

111 Sutter Street, 20th Floor
San Francisco, CA 94104
tel 415 875-6100
fax 415 875-6161

new york • washington, dc • los angeles

The California Air Resources Board (CARB) adopted the nation's first ever regulation to reduce global warming pollution from cars in compliance with a 2002 state law (AB 1493, Pavley). The standard requires automakers to reduce emissions of carbon dioxide and other heat-trapping pollutants by 22 percent by the 2012 model year and 30 percent by the 2016 model year.

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The Natural Resources Defense Council is a national, nonprofit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has 1.2 million members and online activists nationwide, served from offices in New York, Washington, Los Angeles and San Francisco. Visit us at www.nrdc.org.