

FOR IMMEDIATE RELEASE: 12 September 2007
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Watershed Victory in Fight Against Global Warming
*Vermont Judge Denies Automakers False Arguments and
Affirms Landmark California Global Warming Standards for Cars*

Today Judge William Sessions, a federal district court judge in Vermont, ruled against the automakers and for the Sierra Club, the states of Vermont and New York, and other environmental groups, and opened the door for states to mandate cutting global warming emissions from cars. Over the vigorous objections of the automakers, he ruled that New York and Vermont may proceed with enacting the California Clean Car (Pavley) Standards, pending EPA approval. These standards, adopted by California and at least 11 other states, will reduce global warming emissions from cars some 30 percent when fully implemented in 2016. This case is a watershed moment in the legal battle over the California Standards and will undoubtedly have an important impact on similar cases pending in California and Rhode Island.

Statement of David Bookbinder, Sierra Club's Chief Climate Counsel

"Today's decision in Vermont is a dramatic win in the fight against global warming. It affirms the rights of states to move forward with the kind of bold, visionary action that they need in order to protect their citizens and everyone needs if we are to prevent the most catastrophic effects of global warming.

"This decision should put the nail in the coffin of the failed arguments of the auto industry. In this trial they used every tired argument about safety, job losses, lack of technology, and doubts about the science of global warming that they had--the same things they have been saying to the public and to Congress for decades. We have long known these arguments were not true and Judge Sessions' ruling indicates that he did not believe them either. Judge Sessions' ruling is rock solid and based squarely on the facts--setting up a difficult legal situation for the automakers should they appeal this case.

"Instead of the automakers thinking of excuses, it's time for them to put their immense know-how toward solving some of our most pressing problems. This ruling will compel the U.S. automakers to make the kind of clean, efficient cars Americans want--the kind that foreign automakers have used to surge to record profits as the U.S. auto industry buckled under the weight of its gas guzzlers. This ruling is good for the environment, good for America, and, ultimately, good for the automakers.

"While the importance of this victory can scarcely be overstated, it's now time for the Bush Administration's EPA to get out of the way and grant California the waiver it and other states need in order to move forward with these landmark standards. Congress should also take note of this momentous decision and give great weight to the judge's

important findings regarding the automakers claims as it weighs its own action in this area."

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The decision can be found at:

<http://www.vtd.uscourts.gov/Supporting%20Files/Cases/05cv302.pdf>

CLF NEWS

For Immediate Release

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JUDGE RULES VT CAN ENACT STRICTER AUTO EMISSIONS

UNDER CLEAN AIR ACT

CLF Applauds Decision as Victory for Efforts to Curb Global Warming

Burlington, VT (September 12, 2007) In a victory for states' efforts to curb global warming, a Vermont federal judge today rejected a lawsuit by carmakers seeking to block the State of Vermont's adoption of strict, new auto emissions standards to cut global warming pollution from cars and trucks.

The Conservation Law Foundation, whose environmental lawyers worked side by side with the Vermont Attorney General's office, applauded the decision as a "major rebuke to the national automakers' attempts to avoid their responsibility to curb global warming emissions from cars and trucks."

Melissa Hoffer, CLF vice-president, said "This is a tremendous victory for everyone who is concerned about the impacts of global warming. The Court's decision today confirms that states can and must lead the way on combating climate change by adopting stricter auto emissions standards under the Clean Air Act."

Steve Hinchman, CLF staff attorney said, "It's now time for the automakers to wake up to the reality of climate change and use readily available technology and their own ingenuity to make their cars cleaner and safer for the future."

HIGHLIGHTS OF THE RULING:

In the 240-page decision, the Court emphasized the Supreme Court's recent recognition of the "phenomenon of global warming and its potentially catastrophic effects upon our environment," as well as the fact that there are "human-generated contributions to global warming, including carbon dioxide emissions from motor vehicles." The Court emphasized that the auto industry can rise to the challenge of meeting the greenhouse gas standards—"history suggests that the ingenuity of the industry, once put in gear, responds admirably to most technological challenges."

Specifically, the Court ruled that, assuming the Environmental Protection Agency (EPA) grants California's pending waiver request, California's Clean Air Act greenhouse gas standard to limit global warming emissions from motor vehicles, adopted by Vermont, is not preempted by the Energy Policy Conservation Act.

Rejecting the automakers' arguments, the Court held that once EPA grants the waiver, the CA greenhouse gas standard becomes a federal standard that must be taken into account by the federal agency responsible for setting fuel economy standards. The Court also held that, even if preemption did apply, the automakers failed to show that the greenhouse gas standard conflicted with the goals of the federal fuel economy statute since it would not interfere with regulators' ability to set fuel economy standards.

For more information on the case visit: <http://www.clf.org/programs/cases.asp?id=650>

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>>> Aaron Huertas 9/12/2007 2:50 PM >>>
FOR IMMEDIATE RELEASE
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FEDERAL COURT RULES AUTOMAKERS HAVE TECHNOLOGY TO MAKE
CLEANER CARS; UPHOLDS STATE TAILPIPE STANDARD CURBING GLOBAL
WARMING POLLUTION

STATEMENT BY MICHELLE ROBINSON, UNION OF CONCERNED SCIENTISTS

WASHINGTON (September 12, 2007) * A federal judge in Vermont today ruled that states can regulate vehicle global warming pollution, rejecting U.S. automakers claims that they don't have the technology to meet the new standards and that they are pre-empted by federal law.

The judge, William K. Sessions, reviewed analysis by Union of Concerned Scientists when making his deliberations. Earlier this year, UCS unveiled a vehicle design, dubbed the Vanguard, which would exceed the state standard by cutting global warming pollution by more than 40 percent using conventional, off-the-shelf technology. (For more information, go to:

www.ucsusa.org/clean_vehicles/vehicles_health/ucs-vanguard.html.)

Below is a statement by Michelle Robinson, director of the Clean Vehicles Program at the Union of Concerned Scientists.

*This stunning ruling will be seen as a turning point in the fight to protect Americans from the worst consequences of global warming. Today, Judge Sessions affirmed what we at the Union of Concerned Scientists have been saying for years: Automakers have the technology today to meet this global warming pollution standard in a cost-effective way. Vermont and 11 other states have been leading the way by adopting this standard that originated in California, and now the federal government should adopt a standard that is at least as stringent.

Meanwhile, the Environmental Protection Agency now has no excuse to stand in the way of state implementation. If the agency granted the necessary waiver, the dozen states that have adopted the standard would be able to cut as much as 100 million tons of carbon dioxide emissions in 2020.

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Formed in 1969, the Union of Concerned Scientists is the leading science-based nonprofit organization working for a healthy environment and a safer world. UCS has offices in Cambridge, Massachusetts; Berkeley, California; and Washington, D.C. For more information, go to www.ucsusa.org.

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