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California Wins Global Warming Clean Cars Lawsuit California, 16 Other States Fend Off Detroit, Win Right to Set Pollution Standards; Better Emissions Performance Means Big Cuts in Heat-Trapping Pollution

SAN FRANCISCO (December 12, 2007) – In a victory for clean air and the fight against global warming, a federal judge in Fresno today rejected an auto industry lawsuit challenging California’s landmark rules requiring automakers to build cars that emit less heat-trapping pollution. The decision means California and 16 other states poised to adopt its rules are just one step away from making a big dent in global warming emissions, according to the Natural Resources Defense Council (NRDC), which joined in the lawsuit on behalf of the state.

In his 57-page decision, Judge Anthony W. Ishii of the U.S. District Court for the Eastern District of California wrote that “both EPA and California... are equally empowered to promulgate regulations that limit the emissions of greenhouse gasses, principally carbon dioxide, from motor vehicles.”

The ruling means that the last remaining hurdle for the state to implement the clean cars rules is for the U.S. Environmental Protection Agency (EPA) to grant California routine permission to enforce them. EPA has granted the state permission to enforce its air pollution rules for cars more than 50 times in the past, but it has sat on California’s latest request for nearly two years, prompting the state to sue EPA in a separate lawsuit.

“Today’s ruling affirms California’s legal right to clean its air and protect the health of its citizens,” said Fran Pavley, a senior climate advisor with the Natural Resources Defense Council (NRDC) and former assemblywoman who wrote the 2002 landmark clean cars law, AB 1493. “The EPA should stop dragging its feet and give California the routine permission it needs to start enforcing the law.”

Under federal law, California is the only state allowed to set its own vehicle emission standards. Other states have a choice between the federal rules or California’s stricter measures. Sixteen other states – Arizona, Connecticut, Colorado, Florida, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Utah, and Washington – are adopting California’s rules. Together with California, they account for 45 percent of the nation’s new vehicle sales.

The auto industry lost its challenge in a similar lawsuit earlier this year in Vermont.

California’s clean cars standards will take effect in model year 2009 and ramp up to a 30 percent reduction in overall global warming emissions by model year 2016.

“The automakers have the know-how to make cleaner, better cars using off-the-shelf technology,” said Roland Hwang, NRDC Vehicles Policy Director. “It’s time for them to send their lawyers home and put their engineers to work. The sooner we get these clean cars on the road, the sooner we will start cleaning up our air and fighting global warming, while saving drivers money at the gas pump.”

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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, Chicago, Los Angeles, San Francisco and Beijing. Visit us www.nrdc.org