

## Don't touch those tailpipes: Auto dealers, U.S. Chamber sue to stop California emissions regs

*Despite a national agreement, auto dealers and manufacturers are going to court to block the state's new regulatory powers on climate.*



**JIM MOTAVALLI** 

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UNDER FIRE: The EPA's Lisa Jackson (at microphone) is a target of the lawsuit. (Photo: Chesapeake Bay Executive Council)

Dan Becker, director of the [Safe Climate Campaign](#) at the Center for Auto Safety, thought he'd finally earned a bit of rest. His long fight for clean car legislation (mostly from a previous perch at the Sierra Club) had culminated in an all-smiles Washington event last May in which automakers, the federal government and the state of California (which had long sought to regulate tailpipe greenhouse gas) all held hands and agreed to a single federal standard for regulating those tailpipes.

But the war isn't over after all. Last Tuesday, the [National Automobile Dealers Association](#) (NADA) and the [U.S. Chamber of Commerce](#) filed a little-noticed preliminary lawsuit in a Washington, D.C., federal appeals court. The target is the Environmental Protection Agency, which this summer [granted California a waiver](#) to let it set climate standards for state cars and trucks.

The new lawsuit may be the first of many targeting EPA climate regulations. "I think it's safe to say that anything EPA touches involving climate change at this point will be challenged by somebody," Roger Martella, EPA general counsel under George W. Bush, told [Greenwire](#).

The lawsuit was filed despite the May agreement, which imposes a national standard as strong as California's through 2016. That makes it unlikely that, even with regulatory powers, California will be taking carmakers to court. NADA and the U.S. Chamber are not trying to derail the federal agreement, but what they view as the dangerous precedent of letting a state set global warming policy.

Becker described the move by the two groups as "appalling." He said, "It appears that the dealers and the Chamber can't take yes for an answer. But the suit is unlikely to pose a significant threat to the waiver, or to the state of California's ability to move forward on emissions control. They'd have to prove that the granting of the waiver was arbitrary and capricious. But the EPA was careful in building its case."

In a statement, the EPA echoed Becker. "The EPA granted the California waiver after a comprehensive analysis of the science and in adherence to the rule of law. The agency believes strongly it was the right decision and is fully confident it will be found by the courts to be entirely consistent with the law."

California's Air Resources Board also sounds combative. "California has led the nation on aggressive greenhouse gas reduction efforts," said the agency's Mary Nichols, "and has shown you can protect the environment and create jobs at the same time... We are confident that EPA will prevail in court."

The EPA is likely to have allies, says Frank O'Donnell of Washington's Clean Air Watch. "The approval of the California waiver was the single biggest step taken so far by the Obama administration against global warming," he said. "I expect states, led by California, and major environmental groups to weigh in on EPA's behalf."

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**Jim Motavalli** ( [@jmotavalli](#) ) writes about cars, technology and the environmental world to anyone curious enough to ask.

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