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Chamber of Commerce and Car Dealers Fight California Emissions Rules

By **Jim Motavalli** September 10, 2009 7:00 pm

The United States Chamber of Commerce is joining with the National Automobile Dealers Association to try to derail California's ability to regulate greenhouse gas emissions.

In a preliminary filing on Tuesday with the United States Court of Appeals in Washington, the chamber and the association asked for a review of an action by the Environmental Protection Agency in June that granted California a waiver allowing it to regulate tailpipe climate emissions. The court action was filed against the E.P.A. and its administrator, Lisa Jackson. The petition for review does not spell out arguments, but a "statement of issues to be raised" is due at the court by Oct. 13.

The dealers association did not respond to requests for comment. A spokesman for the chamber, Sheldon Gilbert, was asked if it was accurate to call the filing preliminary to a lawsuit. "That's a fair description," he said.

The court filing does not have the backing of the Alliance of Automobile Manufacturers, which represents all three of the major American automakers.

In May, the Obama administration established rules for a single national regulatory standard for fuel efficiency — which will, in effect, also regulate tailpipe emissions — something the automakers have long sought. Proposed regulations to be issued as early as this month are expected to lay out a road map to a 35.5 mile-

per-gallon federal standard by 2016. The new lawsuit appears to be aimed not at blocking the national agreement, but at preventing the precedent of allowing states to regulate greenhouse gases.

The E.P.A. said in a statement that it had 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.”

Mary Nichols, chairwoman of the California Air Resources Board, also made a statement.

“We are very disappointed that these parties continue to pursue an outdated course of action designed to obstruct and oppose efforts to move us toward a cleaner environment and greater energy security,” she said. “And we are confident that E.P.A. will prevail in court. California has led the nation on aggressive greenhouse gas reduction efforts, and has shown you can protect the environment and create jobs at the same time.”

According to Charles Territo, a spokesman for the Alliance of Automobile Manufacturers, who had just seen the filing, “We share the Obama administration’s goals of increasing fuel economy and reducing carbon dioxide emissions and remain committed to the national program announced last May.”

Dan Becker, director of the Center for Auto Safety’s Safe Climate Campaign, said any such lawsuit is likely to be “a loser.” He added, “It’s not surprising that polluting industries would throw the kitchen sink to try to block the E.P.A. from controlling global warming pollution, but it is unfortunate.”

Frank O’Donnell, president of Clean Air Watch, said the court filing is “the leading edge of what may be a hurricane of lawsuits against attempts to deal with climate.” According to a report in Greenwire, industry challenges may also arise to other climate-related E.P.A. regulations, including “the Clean Air Act portion of the car and truck standards.”

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