

The New York Times

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California Sues Trump Administration Over Car Emissions Rules

By: Hiroko Tabuchi & Coral Davenport

A coalition led by California sued the Trump administration over car emissions rules on Tuesday, escalating a revolt against a proposed rollback of fuel economy standards that threatens to split the country’s auto market.

In a lawsuit filed in the United States Court of Appeals for the District of Columbia, California and its coalition — 16 other states and the District of Columbia — called the Environmental Protection Agency’s effort to weaken auto emissions rules unlawful and accused the agency of failing to follow its own regulations, and of violating the Clean Air Act.

“States representing 140 million Americans are getting together to sue Outlaw Pruitt — not Administrator Pruitt, but Outlaw Pruitt,” Gov. Jerry Brown of California said at a news conference, referring to Scott Pruitt, the head of the Environmental Protection Agency.

“This is about health, it’s about life and death,” Governor Brown said. “I’m going to fight it with everything I can.”

Tuesday’s lawsuit represents an important step in a brewing battle between the state and the Trump administration over climate change regulations. That battle could break into war in the coming weeks if the E.P.A. moves to substantially weaken the nation’s current greenhouse gas rules for tailpipe emissions or challenges a legal waiver that allows California to set its own greenhouse gas emissions regulations.

It is not yet clear if the E.P.A. will take those steps, but Tuesday’s lawsuit could strengthen California’s legal hand if that were to happen.

“This is a preliminary challenge. It’s a shot across the bow,” said Jody Freeman, a professor of environmental law at Harvard University who advised the Obama administration. “It sets the table to challenge the agency’s reasons for rolling back the rule, if they go ahead and do it.”

California has long been authorized under the 1970 Clean Air Act to write its own stricter air pollution rules, and a dozen other states have traditionally followed those standards, which are designed to curb earth-warming emissions from cars and light trucks.

In 2012, when the Obama administration set a comprehensive set of standards on greenhouse gas emissions and fuel economy for cars and light trucks — aiming to roughly double the average fuel economy of new cars, S.U.V.s and light trucks by 2025 — California agreed to harmonize its regulations with the new federal standards.

Last month, the Trump administration moved forward legally with a plan to reopen the Obama administration’s standards, saying they were too stringent. The E.P.A. has not yet put forth a proposed set of new standards to replace the Obama rules, but it has drafted a new set of regulations that would drastically weaken the Obama-era rules after 2020.

Tuesday’s suit contends that the Trump administration’s justification for revisiting the Obama rules was shoddy and lacked a strong scientific rationale. However, even if California and the other states win the case, it would not prevent the Trump administration from taking the next step and revoking California’s right to tougher clean air standards.

California had said it would stick with the tougher regulations and threatened to sue should Washington try to challenge its authority to follow its own air pollution rules.

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A legal battle with California brings the nation’s auto industry closer to a split into two markets as its legal challenge plays out in court: one that continues to follow stricter rules requiring cars to be more efficient and less polluting than the other.

The 18 jurisdictions joining in Tuesday’s lawsuit represent more than 40 percent of the United States auto market, California said. According to its news release, they are: California, Connecticut, Delaware, District of Columbia, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington.

Automakers are scrambling to avoid that outcome, urging continued talks for a unified national program. They have asked for a direct meeting with President Trump to try to avert an all-out weakening of regulations that they fear will now go well beyond what they themselves initially sought, according to two people with knowledge of the automakers’ plans.

Separately, Senator Tom Carper of Delaware, the top Democrat on the Environment and Public Works Committee, sent a letter to the secretary of the Department of Transportation, Elaine Chao, and Mr. Pruitt asking that they abandon the rollback.

“Such a proposal, if finalized, would harm U.S. national and economic security, undermine efforts to combat global warming pollution, create regulatory and manufacturing uncertainty for the automobile industry and unnecessary litigation, increase the amount of gasoline consumers would have to buy, and runs counter to statements that both of you have made,” Senator Carper wrote. “I urge you to immediately disavow this proposal.”

Hiroko Tabuchi reported from New York and Coral Davenport from Washington.

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