

CLEAN AIR AND GLOBAL WARMING – WHAT YOU CAN DO NOW

In 1999, several environmental groups petitioned EPA to use its authority under the Clean Air Act to set limits for greenhouse gas (GHG) emissions from automobiles; Section 202(a) of the Act requires EPA to so regulate any pollutant whose emissions "may reasonably be anticipated to endanger public health or welfare." On September 8, 2003, EPA denied the petition.

California, Connecticut, Illinois, Massachusetts, Maine, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington and thirteen environmental organizations sued EPA over this decision and, by a 2-1 vote, the D.C. Circuit upheld EPA's determination.

On June 26, the Supreme Court agreed to hear the case, and to decide both the issue of whether the Clean Air Act gives EPA the authority to regulate GHGs, and whether EPA can rely on its own policy preferences to avoid its duty to exercise that authority if GHGs are "reasonably anticipated to endanger public health or welfare."

States such as Delaware are in the best position to explain to the Court why they, as sovereign entities, have standing to challenge EPA's decision. Briefs in support of petitioners are due on August 31.

Contact Carl C. Danberg, Attorney General, Delaware Department of Justice, Carvel State Office Building, 820 North French Street, 6th Floor, Wilmington, DE 19801 or at 302-577-8400 or at: Attorney.General@State.DE.US and ask him to join the suit on behalf of Delaware.

David R. Keifer, Sr., Chair
Delaware Chapter, Sierra Club