

May 27, 2020

ATTORNEY GENERAL RAOUL CHALLENGES NATIONAL CLEAN CAR STANDARDS ROLLBACK

Chicago — Attorney General Kwame Raoul today joined a multistate coalition [to file a lawsuit](#) challenging the federal rollback of the national Clean Car Standards. The Clean Car Standards would have led to significant improvements in fuel economy and reductions in greenhouse gas emissions from passenger cars and light trucks.

Since their introduction in 2010, the Clean Car Standards have saved consumers money, reduced harmful emissions, and helped protect the health of communities. The rollback rule obstructs this progress, hurting the economy and public health at a time when the country can least afford it. In the lawsuit, Raoul and the coalition argue that the rollback rule violates the Clean Air Act, the Energy Policy and Conservation Act and the Administrative Procedure Act.

“At a time when we are battling a nationwide respiratory pandemic, we need to do everything we can to enact policies that improve air quality. Rolling back the Clean Car Standards is a step in the wrong direction that will have negative consequences for public health and the environment,” Raoul said. “I joined this lawsuit because I will continue to oppose arbitrary policies that ignore science and put corporations before our residents.”

In 2010, the Environmental Protection Agency (EPA), the National Highway Transportation Safety Administration (NHTSA), the California Air Resources Board and car manufacturers established a unified national program harmonizing greenhouse gas emission standards and fuel efficiency standards. Two years later, the agencies extended the national program to model years 2017-2025 vehicles. As part of the program, California and the federal agencies agreed to undertake a midterm evaluation to determine if the greenhouse gas emission standards for model years 2022-2025 vehicles should be maintained or revised. In January 2017, the EPA completed the midterm evaluation and issued a final determination affirming that the existing standards were appropriate and would not be changed.

The following year, the federal government took its first step toward dismantling the national Clean Car Standards by reversing the EPA’s final determination with a new midterm evaluation that alleged the standards were no longer appropriate or feasible. It later made its rollback proposal official, despite the fact that the auto industry was currently on track to meet or exceed the Clean Car Standards.

On March 31, the federal government announced its final rule rolling back the Clean Car Standards. The rule takes aim at the corporate average fuel efficiency standards, requiring automakers to make only minimal improvements to fuel economy – on the order of 1.5 percent annually instead of the previously anticipated annual increase of approximately 5 percent. The rule also guts the requirements to reduce vehicles’ greenhouse gas emissions, allowing hundreds of millions of metric tons of avoidable carbon emissions into the atmosphere over the next decade.

In the lawsuit, Raoul and the coalition argue that the federal government’s rollback of the national Clean Cars Standards is unlawful because, among other things:

- The EPA and NHTSA’s rollbacks violate the statutory text and congressional mandates by which they are bound.
- The EPA and NHTSA improperly and unlawfully relied on an analysis riddled with errors, omissions, and unfounded assumptions in an attempt to justify their desired result.

Joining Raoul in filing the lawsuit are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington and Wisconsin; the California Air Resources Board; the cities of Los Angeles, New York, San Francisco and Denver; and the counties of San Francisco and Denver.

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

STATE OF CALIFORNIA, by and through
GOVERNOR GAVIN NEWSOM,
ATTORNEY GENERAL XAVIER BECERRA,
and the CALIFORNIA AIR RESOURCES
BOARD, STATE OF COLORADO, STATE
OF CONNECTICUT, STATE OF
DELAWARE, STATE OF HAWAII, STATE
OF ILLINOIS, STATE OF MAINE, STATE
OF MARYLAND, COMMONWEALTH OF
MASSACHUSETTS, PEOPLE OF THE
STATE OF MICHIGAN, STATE OF
MINNESOTA, STATE OF NEVADA, STATE
OF NEW JERSEY, STATE OF NEW
MEXICO, STATE OF NEW YORK, STATE
OF NORTH CAROLINA, STATE OF
OREGON, COMMONWEALTH OF
PENNSYLVANIA, STATE OF RHODE
ISLAND, STATE OF VERMONT,
COMMONWEALTH OF VIRGINIA, STATE
OF WASHINGTON, STATE OF WISCONSIN,
DISTRICT OF COLUMBIA, CITY OF LOS
ANGELES, CITY OF NEW YORK, CITY
AND COUNTY OF SAN FRANCISCO, and
CITY AND COUNTY OF DENVER,

Petitioners,

v.

ANDREW R. WHEELER, in his official
capacity as Administrator, United States
Environmental Protection Agency; UNITED
STATES ENVIRONMENTAL PROTECTION
AGENCY; ELAINE L. CHAO, in her official
capacity as Secretary, United States Department

No. _____

of Transportation; UNITED STATES
DEPARTMENT OF TRANSPORTATION;
JAMES C. OWENS, in his official capacity as
Acting Administrator, National Highway Traffic
Safety Administration; NATIONAL
HIGHWAY TRAFFIC SAFETY
ADMINISTRATION,

Respondents.

PETITION FOR REVIEW

Pursuant to 42 U.S.C. § 7607(b)(1) (Clean Air Act § 307(b)(1)), 49 U.S.C. § 32909(a)(1), Rule 15 of the Federal Rules of Appellate Procedure, and D.C. Circuit Rule 15, the States of California, by and through Governor Gavin Newsom, Attorney General Xavier Becerra, and the California Air Resources Board, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and Wisconsin, the Commonwealths of Massachusetts, Pennsylvania, and Virginia, the People of the State of Michigan, the District of Columbia, the Cities of Los Angeles and New York, the City and County of San Francisco, and the City and County of Denver (collectively, Petitioners) hereby petition this Court for review of the final actions of Respondents United States Environmental Protection Agency and Administrator Andrew R. Wheeler, in his official capacity, United States Department of

Transportation and Secretary Elaine L. Chao, in her official capacity, the National Highway Safety Administration and Acting Administrator James C. Owens, in his official capacity, set forth in the Federal Register notice published at 85 Fed. Reg. 24,174 (Apr. 30, 2020) and titled “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks.”

This petition also seeks review of EPA’s action titled “Mid-Term Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022-2025 Light-Duty Vehicles,” set forth in the Federal Register notice published at 83 Fed. Reg. 16,077 (Apr. 13, 2018). *See* 5 U.S.C. § 704 (“A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action.”).

Dated: May 27, 2020

Respectfully Submitted,

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I hereby certify that pursuant to Circuit Rule 15(a), a copy of the foregoing Petition for Review was served on May 27, 2020 by certified mail, return receipt requested, on the following:

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