

Evil Automakers Sue California

Source: <http://sci.tech-archive.net/Archive/sci.energy/2004-12/0239.html>

From: Tom Simonds (tsimonds_at_theworld.com)

Date: 12/08/04

Date: Wed, 8 Dec 2004 07:35:35 -0500

CENTRAL VALLEY

Automakers sue to toss smog law

– Jane Kay, Chronicle Environment Writer

Wednesday, December 8, 2004

The country's biggest automakers filed a lawsuit Tuesday against the California Air Resources Board, making good on their threat to try to overturn an innovative law that curbs tailpipe gases linked to global warming.

The Alliance of Automobile Manufacturers and some Central Valley car dealers filed the lawsuit Tuesday in U.S. District Court in Fresno. The suit charges that the law limiting carbon dioxide and other so-called greenhouse gases from new cars, light trucks and SUVs pre-empts federal law setting fuel-economy standards.

"There's no other way to eliminate carbon dioxide than to make a car combust less fuel," said Eron Shosteck, spokesman for Ford Motor Co., General Motors, BMW Group, DaimlerChrysler, Toyota and four others. "This is fuel economy. Period. Fuel economy and CO2 emissions are synonymous."

The 72-page lawsuit relies on the key arguments advanced by the auto industry in the debate over the nation's first law to control such emissions from passenger vehicles -- that the law will do little to improve health while increasing cost and limiting selection in the marketplace.

The law requires that new vehicles' emissions of heat-trapping gases be cut by one-third by 2016. Scientists say the accumulation of these gases in the atmosphere is creating the effect of a greenhouse.

"Global warming heats up the surface temperature of Earth and can result in higher (ground-level) ozone concentrations that can affect public health," said Jerry Martin, spokesman for the air board. "We see this as another emission rule, like our other emission rules, designed to protect the public health from air pollution."

In addition to requiring cutbacks on carbon dioxide, Martin said the law also controlled nitrous oxide, methane and hydrofluorocarbons, three gases that are "1,000 times more damaging" in their global warming effects.

The state maintains that the federal Clean Air Act specifically allows California to set air pollution standards, which then may be followed by other states. Seven other states already have passed similar laws or have them in the works.

The state has also joined 11 other states in a suit challenging a U.S. Environmental Protection Agency decision not to regulate carbon dioxide as an air pollutant. The law to curb tailpipe emissions was approved by the state Legislature in 2002. The state air board adopted the regulations to implement the law in September, and the law is to go into effect in 2006. The phase-in of new models starts in 2009.

State officials, who hadn't yet reviewed the suit and couldn't comment on it, have argued that the law isn't aimed at changing fuel-economy standards — although they agree that the improvements that will be required in transmissions, engines and other components will save on fuel.

On Tuesday, California Controller Steve Westly joined with New York Comptroller Alan Hevesi in criticizing the automakers — which included Mazda, Volkswagen, Porsche and Mitsubishi Motors — for spending money to fight the law instead of investing in cutting-edge technology.

Westly points out that he and his colleague sit on the boards of their state employee and teacher pension funds, which he says invest about \$2 billion in stocks in the suing companies. CalPERS alone has \$832 million in investments in the automakers.

Both controllers say they intend to use those funds as leverage to bring industry representatives to the table next month for discussions.

Conservation groups expressed disappointment over the suit, saying they had hoped the auto companies would recognize the consumer demand for clean cars.

"It's especially disappointing to see Ford and Toyota filing suit, since they've been positioning themselves as environmentally sensitive manufacturers," said Jim Marston, attorney for Environmental Defense.

Coincidentally, the Union of Concerned Scientists released its biannual ranking of automakers Tuesday and — based on analyses completed in October, and without knowledge of the lawsuit — named Honda as the world's greenest automaker.

"Honda chose not to sue California today," said Jason Mark, the group's director of clean vehicles, "and we hope they use their engineers to

sci.energy: Evil Automakers Sue California

comply and not their lawyers to fight the law."

Page B – 1

URL:

<http://sfgate.com/cgi-bin/article.cgi?file=/c/a/2004/12/08/GREENHOUSE.TMP>