



For Immediate Release

November 3, 2004

**WLF URGES COURT OF APPEALS TO
REJECT REGULATION OF GREENHOUSE GASES**
(Massachusetts v. EPA)

The Washington Legal Foundation (WLF) filed a brief this week in the United States Court of Appeals for the District of Columbia Circuit urging it to reject an effort by several states and environmental groups to require that the Environment Protection Agency (EPA) regulate carbon dioxide as a pollutant under the Clean Air Act. If the court rules in favor of the petitioners, the EPA would be required to regulate so-called "greenhouse gases" produced by automobiles, manufacturing facilities, and other sources of carbon dioxide that petitioners claim are causing global warming. Such a ruling would, in effect, implement the unratified Kyoto Treaty regulating greenhouse gases.

In its brief, WLF argued that the issue of global climate change and its causes has been the most prominent energy and environmental issue of recent years. WLF referred the court to comments WLF filed in 1999 as part of the Working Group to Oppose Expanded EPA Authority urging the agency to reject the petition filed by the International Center for Technology Assessment (ICTA). WLF argued that Congress would certainly have been clear and explicit when it enacted the Clean Air Act if it wanted to give the EPA authority to initiate a massive regulatory program for greenhouse gases or carbon dioxide. Accordingly, under basic principles of statutory interpretation and administrative law, the EPA was not authorized by Congress to venture into this highly controversial area.

Joining the Commonwealth of Massachusetts as state petitioners were Illinois, Maine, New Jersey, New Mexico, New York, Rhode Island, Washington, Oregon, Vermont, and California. Joining ICTA as petitioners were Greenpeace, Center for Biological Diversity, Friends of the Earth, Bluewater Network, Sierra Club, Natural Resources Defense Council, U.S. Public Interest Research Group, and Physicians for Social Responsibility. WLF's support of EPA was shared by Texas, Michigan, Idaho, North Dakota, South Dakota, Utah, Alaska, Nebraska, Ohio, and Indiana

WLF's brief was drafted with the *pro bono* assistance of Peter Glaser, a partner in the Washington, D.C. office of Troutman Sanders LLP, and Douglas A. Henderson, a partner in the firm's Atlanta office.

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For information, contact Paul Kamenar, WLF's Senior Executive Counsel, at 202-588-0302. WLF's brief can be obtained from its website at www.wlf.org.