



For Immediate Release

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**WLF URGES SUPREME COURT TO REJECT APPEAL
FORCING EPA TO REGULATE GREENHOUSE GASES
(*Massachusetts v. EPA*)**

The Washington Legal Foundation (WLF) filed a brief in the U.S. Supreme Court this week urging the Court to reject an appeal filed by Massachusetts and several other states and environmental groups, seeking to require the Environmental Protection Agency (EPA) to regulate so-called greenhouse gases, particularly carbon dioxide, which they claim is causing global warming and harming the environment.

In *Massachusetts v. EPA*, the plaintiffs claim that the EPA has the authority and duty under the Clean Air Act (CAA) to regulate carbon dioxide emissions from automobiles, and presumably from other sources as well. If the court rules in favor of the petitioners, the EPA would be required to regulate greenhouse gases produced by automobiles, manufacturing facilities, and many other sources of carbon dioxide that petitioners claim are causing global warming. Such a ruling would, in effect, constitute a "back door" method of implementing the unratified Kyoto Treaty regulating greenhouse gases, and cause severe harm to our economy. Environmental groups have been unsuccessful in urging the Senate to ratify the treaty over the last several years.

WLF argued in the Supreme Court, as it did in the court of appeals which rejected the states' challenge, that Congress would have made it very clear when it enacted the CAA if it wanted to give the EPA authority to initiate such a massive regulatory program for greenhouse gases or carbon dioxide. Because Congress did not make that authority clear, the EPA was not authorized by Congress to venture into this highly controversial area.

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, along with associates Christine J. Sommer and Lynne C. Rhode, and Douglas A. Henderson, a partner in the firm's Atlanta office.

Oral argument in the case is scheduled for November 29, 2006. A decision will be issued by June 2007.

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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.