

17 states sue EPA for letting California set vehicle standards

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Seventeen Republican state attorneys general on Friday announced a lawsuit against the Environmental Protection Agency (EPA) for permitting California to set its own vehicle emissions standards.

The lawsuit alleges that EPA Administrator Michael Regan violated the Constitution's doctrine of equal sovereignty by giving California an exemption from the Clean Air Act, which they used to impose emissions limits which are stricter than the nationwide limit.

"The Act simply leaves California with a slice of its sovereign authority that Congress withdraws from every other state," West Virginia Attorney General Patrick Morrissey (R) said in a statement. "The EPA cannot selectively waive the Act's preemption for California alone because that favoritism violates the states' equal sovereignty."

Other plaintiffs in the lawsuit include the attorneys general for Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Texas and Utah.

In 2019 the Trump administration revoked a waiver previously granted to California in 2013, which allowed it to set stricter standards for vehicles than the national standard. This March, Regan announced that he would restore the waiver.

The EPA, which said as early as 2021 that it would reconsider the revocation, has called the Trump administration's decision to revoke the waiver "inappropriate." In its announcement, the agency said its predecessors' decision was not based on any factual errors in the waiver.

Regan stated at the time that the reinstatement of the waiver restores "an approach that for years has helped advance clean technologies and cut air pollution for people not just in California but for the U.S. as a whole."

Morrissey is also suing the EPA in a pending Supreme Court case that could have major implications for the agency's authority to regulate emissions under the Clean Air Act. In addition to several fossil fuel companies, other plaintiffs in the case include many of the

same states involved in the Friday lawsuit, as well as Alaska and South Dakota.