



NEWS RELEASE

www.epalawsuit.org

FOR IMMEDIATE RELEASE

September 16, 2010

Contact: Jenny Kefauver, 703.850.3533, jenny@southeasternlegal.org

Todd Young, 770.317.2423, todd@DMINews.com

Did EPA overreach and act contrary to Congressional authority? Yes

CLIMATE CHANGE GREENHOUSE GAS RULES: MOTION TO STAY ENTIRE EPA REGIME FILED

ATLANTA/WASHINGTON, DC: Filing a Motion to Stay the U.S. Environmental Protection Agency's (EPA) greenhouse gas emissions rules in the multi-party legal challenge against the EPA's Endangerment Finding on carbon dioxide emissions in the U.S. Court of Appeals for the District of Columbia yesterday, **Southeastern Legal Foundation (SLF)** cites "significant legal precedent for the court to halt EPA's regulatory steamroller." SLF is joined by the Coalition for Responsible Regulation, Inc., the American Iron and Steel Institute, the Competitive Enterprise Institute, the Ohio Coal Association, and Landmark Legal Foundation.

All legal documents and filings, as well as scientific background and reports, are available at www.epalawsuit.org. The complete list of plaintiff-petitioners follows this release.

A stay on the EPA's Endangerment Finding would halt the forward progress of EPA's implementation of greenhouse gas standards for light-duty vehicles and pending issuance of permits and other devastating regulatory measures for so-called "stationary sources."

"EPA faces a major legal question," said Shannon Goessling (pronounced GUESS-ling), SLF executive director and chief legal counsel. "EPA has concluded that requiring power plants and other industrial sources to get permits for greenhouse gas emissions leads to "absurd results" and "administrative impossibility." Why, then, is EPA asserting Congress intended it to do this under the Clean Air Act?"

Goessling points out that "absurd results" include apartment house furnaces and bakery ovens covered under the EPA rules, leading EPA to enact a so-called "tailoring rule" covering some smaller emitters and compelling states, which are responsible for permitting, to enact new permitting rules by the beginning of 2011, rather than the average multi-year cycle for most EPA regulations.

"Under similar circumstances in the past, stays have been granted when the proposed EPA rules were impractical, scientifically questionable, and even dangerous to implement," said Goessling. "The barrage of almost-daily scientific information that decimates the UN's Intergovernmental Panel on Climate Change reports, which underpin EPA's Endangerment Finding, absolutely call into question the basis for the regulatory regime."

Key excerpts from the Motion to Stay supporting brief filed by SLF:

“As EPA Administrator Stephen Johnson warned in 2008 . . .”the regulation of greenhouse gases under any portion of the Clean Air Act could result in unprecedented expansion of EPA authority that would have a profound effect on virtually every sector of the economy and touch every household in the land.” Because of the choices since made by Administrator Johnson’s successor, that day has arrived.”

“But EPA ultimately admits the impossibility of applying some section of the [Clean Air] Act to greenhouse gas emissions without ignoring other sections . . . [EPA’s] so-called “Tailoring Rule,” confesses the need to rewrite by regulation several unambiguous provisions of the Act in an effort to avoid “absurd” burdens on the public and the States, which EPA concedes that Congress never intended.”

“EPA’s rules sweeping GHGs into the Clean Air Act’s stationary source permitting programs simply because of their regulation under Section 202(a) could not more clearly violate Congress’ instructions on how to handle “other pollutants” under Part C . . . [l]egislative history indicates that the purpose of the one-year delay [under the Act] was to allow Congress an opportunity to review the rules before the States are required to implement them.”

LIST OF PLAINTIFF-PETITIONERS REPRESENTED BY SLF

U.S. Rep. John Linder (GA)	
U.S. Rep. Dana Rohrabacher (CA)	The Langdale Company
U.S. Rep. John Shimkus (IL)	Langboard, Inc. – MDF
U.S. Rep. Phil Gingrey (GA)	Langboard, Inc. – OSB
U.S. Rep. Lynn Westmoreland (GA)	Langdale Chevrolet – Pontiac, Inc.
U.S. Rep. Tom Price (GA)	Langdale Farms, LLC
U.S. Rep. Paul Broun (GA)	Langdale Ford Company
U.S. Rep. Steve King (IA)	Langdale Forest Products Co.
U.S. Rep. Nathan Deal (GA)	Langdale Fuel Co.
U.S. Rep. Jack Kingston (GA)	
U.S. Rep. Michele Bachmann (MN)	Collins Industries, Inc.
U.S. Rep. Kevin Brady (TX)	Collins Trucking Company, Inc.
U.S. Rep. Joe Barton (TX)	
U.S. Rep. John Shadegg (AZ)	Kennesaw Transportation, Inc.
U.S. Rep. Marsha Blackburn (TN)	
	J&M Tank Lines, Inc.
Southeastern Legal Foundation, Inc.	
Georgia Motor Trucking Association, Inc.	Southeast Trailer Mart, Inc.
Georgia Agribusiness Council, Inc.	