

DRAFT NEWS RELEASE

FOR IMMEDIATE RELEASE
June 4, 2003
MAURA FITZGERALD/CT AG
(860) 808-5324
JERRY REID/ME AG
(207) 626-8545

CONTACT: SARAH NATHAN/MA AG
(617) 727-2543

MASSACHUSETTS, CONNECTICUT AND MAINE
SUE EPA ON GLOBAL WARMING

BOSTON - Attorneys General from three New England states today filed a federal lawsuit against the Environmental Protection Agency (EPA) for failing to regulate carbon dioxide emissions, a significant contributor to the ever-increasing problem of global warming.

Stating that the EPA has a mandatory duty to regulate carbon dioxide under the Clean Air Act, Massachusetts Attorney General Tom Reilly, Connecticut Attorney General Richard Blumenthal and Maine Attorney General Steven Rowe today filed the lawsuit against the EPA, in Federal District Court in Hartford, Connecticut. The lawsuit specifically names EPA Administrator Christine Todd Whitman.

"Having conceded the dangers that global warming poses to public health, our environment and our economy, the federal government has not only a clear moral imperative to address the problem, but a legal obligation as well under the provisions of the Clean Air Act," Massachusetts Attorney General Tom Reilly said.

The lawsuit marks the first time that a state has sued the federal government over global warming issues. While four other global warming lawsuits were filed in the last year, this is first to argue that the EPA has an obligation to regulate carbon dioxide under existing law.

"EPA's inaction on carbon dioxide is intolerable - a dangerous disservice to the nation, promoting disease, environmental damage, and weather-related disasters such as drought and flooding," Connecticut Attorney General Richard Blumenthal said. "Our lawsuit is a last resort. Even after abundant opportunity and public urging, the EPA steadfastly refused to enforce the law and protect the public. It has repeatedly acknowledged its authority, but it has persistently failed its obligation to use that authority. Now the courts must compel it."

"We believe the plain language of the Clean Air Act requires EPA to regulate emissions of carbon dioxide," Maine Attorney General Steven Rowe said. "It

is well accepted in the scientific community that emissions of this leading greenhouse gas are contributing to global warming."

Maine AG Rowe added, "We are already seeing its effects, and EPA itself predicts that the problems associated with atmospheric warming will intensify in the years to come. The agency has a legal duty to act now to protect the public health and welfare from this threat."

If today's lawsuit is successfully litigated, the EPA would be required to "list" carbon dioxide as a "criteria pollutant" and to regulate it under the Clean Air Act. EPA would then have to begin a process to determine appropriate "national ambient air quality standards" for the pollutant, which are, by definition, the levels of the pollutant that is allowable in the ambient air.

The basis for today's lawsuit is a 1976 Court of Appeals decision that compelled EPA to set air quality standards for lead. In the case, the Natural Resources Defense Council (NRDC) argued that while EPA acknowledged that lead emissions pose a serious risk, the agency declined to list it as a criteria pollutant and address it as such. As a result of the case, lead is now regulated as one of six criteria pollutants.

The Attorneys General argue in the suit that the EPA has acknowledged in a legal memorandum and testimony presented to Congress in 1998 and 1999 that carbon dioxide is an air pollutant subject to regulation under the Clean Air Act.

According to the U.S. Climate Action Report, global warming can result in:

- * **Increased Temperatures.** Average temperatures have already increased by one degree Fahrenheit over the past century, and are projected to increase by five to nine degrees Fahrenheit over the next century. The increase could dramatically change weather patterns in every state and will likely destroy some fragile ecosystems.

*

- * **Rising Sea Levels.** Sea levels have already risen four to eight inches over the last century and are projected to rise another 4 to 35 inches during the next century. Rising sea levels could cause more coastal flooding, and will likely obliterate coastal wetlands and barrier islands. The result will be increased storms and storm damage in some areas and dwindling water supply in others, such as California and other parts of the West.

*

- * **Increased Health Risks.** The effects of global warming can result in illnesses and deaths associated with temperature extremes, storms and other

heavy precipitation events, air pollution, water contamination, and diseases carried by mosquitoes, ticks and rodents. A recently published study in the journal *Science* warns of increased risks from insect-borne diseases such as malaria and yellow fever.

Attorneys General Reilly, Blumenthal and Rowe first informed the EPA of their plans to sue in a seven-page letter, a formal notice of intent to sue, issued in late January. "Carbon dioxide emissions will likely cause or contribute to wide-ranging, adverse changes to just about every aspect of the environment, public health and welfare throughout the Northeast," the Attorneys General stated in their earlier letter to Whitman.

Calling it the "most pressing environmental challenge of the 21st century," Attorneys General Reilly, Blumenthal, Rowe and other state Attorneys General first formally raised their concerns about global warming in a July 2002 letter to President Bush. The letter, issued on July 17, pointed to the U.S. Climate Action Report 2002, a comprehensive report that the EPA had a lead role in preparing, which confirms the dangers of global climate change and projects that its primary cause, emissions of greenhouse gases - carbon dioxide produced from the combustion of fossil fuels - will increase by 43 percent by 2020.

In response to the lack of initiative at the federal level, several states are taking steps to reduce greenhouse gas emissions at the state level. In Massachusetts, regulations were adopted in 2001 requiring carbon dioxide reductions by power plants and in New Hampshire "cap and trade" legislation was recently enacted. In May, the Maine legislature enacted a bill that directs the state Department of Environmental Protection to develop a long-term climate action plan that will reduce emissions of greenhouse gases to 1990 levels by 2010, and at least ten percent below 1990 levels by 2020. The legislature in California last summer passed a bill that will lead to the "maximum feasible" reductions of carbon dioxide emissions from vehicles.