



# Union of Concerned Scientists v. NHTSA (D.C. Cir.)

Topics Covered:      Public Health

## Issue

The issue in this case is whether federal administrative agencies have the authority to prevent the State of California from imposing heightened air quality standards for vehicle emissions in California.

## AMA Interest

The AMA supports the protection of geographic areas with air quality better than the national standards from deterioration by requiring localized restrictions on air pollution sources.

## Case Summary

The Clean Air Act (CAA) allows the Environmental Protection Agency (EPA) to control emissions from new motor vehicles. The CAA generally preempts states from adopting their own emission standards, but the CAA requires the EPA to waive this preemption of state emission standards, so long as those standards are at least as protective as the federal standards.

In 2012, the EPA approved regulations of the California Air Resources Board, entitled the Advanced Clean Cars (ACC) program, which imposed clean air standards that were more protective than the EPA standards. However, the EPA and National Highway Traffic Safety Administration (NHTSA) subsequently attempted to revoke portions of California's ACC program. They justified this position by stating that California did "not need [those] standards to meet compelling and extraordinary conditions."

Numerous public interest organizations, industry coalitions, twenty-three states, the District of Columbia, and three California municipalities filed ten different lawsuits against NHTSA and the EPA, seeking to invalidate the revocation of California's ACC program. Per the defendants' motion, the suits were transferred to the United States Court of Appeals for the District of Columbia Circuit, where they were consolidated.

These cases are being held in abeyance while the government considers further administrative steps.

## Litigation Center Involvement

The Litigation Center, the California Medical Association, the American Thoracic Society, and numerous other health care organizations submitted an *amicus* brief to support the plaintiffs and the ACC program.

D.C. Circuit Court of Appeals Brief