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Environmental Groups Sue 14 Federal Agencies for Failure to Implement Energy Policy Act

Agencies Failed to Purchase Required Alternative Fuel Vehicles for Public and Corporate Fleets That Would Save Equivalent of Four ANWR's of Fuel Annually

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San Francisco, CA -- The Center for Biological Diversity (CBD) and Bluewater Network - a division of Friends of the Earth - filed a lawsuit today in federal District Court in San Francisco against 14 agencies for their continuing failure to implement the federal Energy Policy Act (EPA), by not purchasing the legally required percentages of Alternative Fuel Vehicles (AFVs) for their vehicle fleets.

The suit (case #CO501526) charges nearly every federal agency under the Bush Administration, including the CIA and Department of Homeland Security, with violations of the EPA. It also seeks compliance with the EPA requirement for corporate fleets to purchase AFVs if necessary to meet petroleum fuel reduction goals. The case follows a suit by the same plaintiffs in 2000, for which a court ruled in 2002 that the government had failed to purchase sufficient AFVs or disclose purchase numbers.

Passed in 1992 after the first Gulf War, the goal of the EPA is to replace 30% of all oil used for transportation in the U.S with alternative fuels by 2010. The EPA requires all federal agencies to ensure that at least 75% of their annual purchases of cars and light duty trucks in major metropolitan areas are AFVs instead of traditional petroleum-fueled vehicles. The federal government has over 600,000 vehicles, the largest fleet in the nation.

“If the Bush administration would comply with the Energy Policy Act, we could save 1.4 billion barrels of oil every year – that’s four times more oil than drilling in the Artic National Wildlife Refuge would provide annually,” said Peter Galvin, Conservation Director for the CBD. “Removing our dependence on foreign oil sources should be an urgent national priority. The Bush Administration’s failure to follow this law is a glaring example of its backwards and hypocritical energy policies.”

“By refusing to purchase alternative fueled vehicles for their fleets, these agencies are raising the risks of cancer, stroke, and asthma for millions of Americans; increasing global warming and air pollution; and keeping the nation addicted to fossil fuels from politically unstable foreign nations,” said Danielle Fugere, Climate Director of Bluewater Network.

As a means of achieving its petroleum reduction goals, Congress sought to utilize the purchasing power of the federal government to stimulate the market for AFVs. AFVs are powered by natural gas, propane, ethanol, or electricity, which produce less pollution and greenhouse gas emissions than

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petroleum fueled vehicles. Each federal agency was directed to purchase a mandated percentage of AFVs and to report its purchases to Congress and the public. If federal purchasing alone proved insufficient to spur the market, the EPA required the Department of Energy (DOE) to undertake a staged rulemaking process to determine whether or not AFV fleet requirements must also be applied to private and municipal government fleets. Today's lawsuit also challenges the DOE's failure to mandate the purchase reporting of AFVs by such fleets.

"The Energy Policy Act makes both economic and environmental sense," said Jay Tutchton, attorney for the groups. "It was passed under a Republican Administration and signed by the President's father. It is the height of irony and shortsightedness that President Bush is refusing to implement this law."

Emissions from petroleum-fueled vehicles contain greenhouse gases linked to climate change. There remains no credible scientific dispute that global warming is occurring and accelerating due to human production of greenhouse gases, primarily from burning of fossil fuels: In 2001, the Intergovernmental Panel of Climate Change concluded that the global rise in average yearly temperature over the last 50 years was primarily attributable to human causes. The U.S. is responsible for approximately 25% of the total world oil consumption, and approximately 65% of the oil used in the U.S. each year is for transportation. Accordingly, the U.S. produces approximately 20% of the world's greenhouse gases, one quarter of which are due to transportation related activities. Climate change worldwide and in the U. S. is expected to severely impact imperiled wildlife and reduce biodiversity by altering the distribution, abundance, and habitat of many species, resulting in hastened population extinctions. For example, the CBD recently petitioned for listing of the polar bear under the Endangered Species Act, in part because of the detrimental effects of global warming on polar ice habitat for this species.

Air pollution from vehicles is also linked with numerous harmful effects on human health, including respiratory problems, heart and lung diseases, and premature death. Motor vehicles emit numerous hazardous pollutants that the Environmental Protection Agency classifies as known or probable human carcinogens. In California, for example, over 90% of the population lives in regions adversely affected by air quality problems, largely as a result of vehicle exhaust. Long-term exposure to air pollution in four San Francisco Bay Area counties may cause an additional 208 cases of cancer for every million residents, mostly attributable to benzene and butadiene, byproducts of petroleum fuel combustion.

Displacing petroleum with alternative transportation fuels will reduce U.S. dependence on imported oil and vulnerability to foreign oil import disruptions, decrease emissions of greenhouse gases, pollutants and toxics, and promote domestic economic development. Implementation of the EPA would also reduce the need for oil exploration and development in sensitive wildlife areas such as the Artic National Wildlife Refuge in Alaska.

Principal among the defendants is the DOE, the very agency charged with enforcing the EPA. Other agencies being sued include the U. S. Departments of Agriculture, Commerce, Defense, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Labor, Transportation, and Veterans Affairs; as well as the Central Intelligence Agency, Executive Office of the President, Federal Communications Commission, and General Services Administration.

The Center for Biological Diversity is a national organization with over 12,000 members whose mission is the preservation, protection, and restoration of biodiversity, native species, ecosystems, public lands, and public health. Bluewater Network is an environmental organization with over 50,000 members working to reduce dependence on fossil fuels and eradicate other root causes of air and water pollution, global warming, and habitat destruction. A copy of the lawsuit and more information about the Energy Policy Act can be found at www.biologicaldiversity.org/swcbd/programs/policy/energy/index.html or www.bluewaternet.org/campaign_gw_transportation.shtml