



Court Rules Bush Administration Violating Law Designed to Reduce Dependence on Foreign Oil, Global Warming, and Air Pollution Alternative Fuels Vehicles to Receive Boost

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San Francisco, CA – Late yesterday afternoon, federal District Court Judge William Alsup declared the Bush Administration in violation of a 1992 law designed to reduce dependence on foreign oil, global warming, and air pollution. The Court ruled that the Department of Energy's refusal to impose an alternative fuel vehicle purchasing requirement on private and municipal fleets was illegal. The judge vacated the Agency's decision and ordered it to engage in a two-step rulemaking process. The Department must first revise the Act's petroleum reduction goal to an achievable number and then use the new goal to assess whether to impose alternative fuel vehicle purchasing requirements on private and municipal fleets to help achieve the revised goal.

In passing the Energy Policy Act of 1992 (“EPAct”) after the first Gulf War, Congress intended to replace 30% of petroleum vehicle fuel with less polluting alternative fuels vehicles by 2010. The conservation groups Center for Biological Diversity and Bluewater Network filed suit last year challenging the Bush Administration’s failure to implement the law.

“The Bush Administration’s irresponsible and dangerous refusal to take steps to reduce our dependence on foreign oil and greenhouse gas pollution threatens both our nation’s environment and future prosperity,” said Kassie Siegel, Climate, Air, and Energy Program Director for the Center for Biological Diversity. “We will continue to hold the administration accountable for compliance with laws like the Energy Policy Act of 1992 designed to protect America.”

The Court’s ruling will end years of inaction by this Administration. Judge William Alsup wrote as follows in the eleven page ruling: “If Congress favored inaction, so too could the agency, it is argued. The difference is that Congress enacted a law requiring the agency to act. The agency failed to do so. It violated the law. Congress was not required to pass yet another law to compensate for the agency’s neglect.”

“In this ruling, the judge recognized that setting lofty goals to reduce petroleum use is not enough -- the Agency actually has to do its job and help build a market for alternative fuel vehicles,” said Danielle Fugere, Global Warming Program Director with Bluewater Network.

Alternative fuel vehicles not only reduce our dependence on foreign oil, but also help reduce global warming and air pollution. Air pollution from vehicles causes numerous harmful effects on human health, including respiratory problems, heart and lung diseases, and premature death. Motor vehicles emit several 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.

This ruling follows earlier successes in the case. In July 2005, Judge Alsup ruled that the Central Intelligence Agency was in violation of the EPAct for its failure to make public its compliance or non-compliance with the Act’s purchasing mandates. At the end of November 2005, a settlement of the purchasing component of this case was reached with four federal agencies, the Departments of Commerce, Labor, Transportation, and Veterans Administration, which admitted violations of the law and agreed to increase their alternative fuel vehicle purchases from 46%, 3%, 29%, and 24% respectively up to the 75% required by EPAct.

The EPAct requires all federal agencies with light duty fleet vehicles in major metropolitan areas to acquire at least 75% AFVs each year instead of traditional petroleum-fueled cars and trucks. The federal government has over 600,000 vehicles, the largest fleet in the nation. In passing the EPAct, Congress sought to harness the purchasing power of the federal government as well as municipal and private vehicle fleets to create a market for the production of alternative fuels vehicles, which include vehicles powered by natural gas, propane, ethanol, and electricity which produce less pollution and greenhouse gas emissions.

“We are pleased that the Administration will be forced to realistically discuss how to move our nation from its addiction to oil,” said Jay Tutchton, Director of the University of Denver Environmental Law Clinic and attorney for the conservation groups. “Finally, the Department of Energy will be forced to actually consider implementing alternative fuel vehicle programs that make both economic and environmental sense.”

Conventional petroleum fueled vehicles release greenhouse gas pollution which causes global warming. Global average air temperatures have already increased by over 1° F and are projected to rise between 2.5 and 10.5° F or more by the end of this century, an unprecedented magnitude and speed of change. Other changes caused by greenhouse gas pollution and global warming include increasing numbers of droughts and floods, increasing weather variability and more intense storms, the melting of sea ice, glaciers, and sea level rise. The U.S. is responsible for approximately 25% of the total world oil consumption, with approximately 65% of that amount used for transportation. Overall, the U.S. also produces nearly one quarter of the world’s total greenhouse gases.

Global warming threatens the environment, public health, and future prosperity in this country. Global warming also severely threatens the world’s biodiversity. Half of all species studied have already experienced profound changes in the timing of lifecycles, range, or population numbers from the 1° F

global average temperature increase that has already occurred. Global warming is already responsible for one of the largest vertebrate extinction events of the last 100 years, the extinction of 67% of 110 species of the Monteverde harlequin frog group in Central and South America. In this instance, the amphibian extinctions were caused by the chytrid fungus, a disease which exploded as global warming created ideal conditions for its growth. The leading study on the quantification of extinction risk, published in the world's leading journal *Science* in 2004, predicts that 35% of about 1100 species studied will be committed to extinction by the year 2050 if current levels of greenhouse gas emissions continue. Many species could be saved if greenhouse gas emissions are reduced. Cuts of 80% are needed from industrialized nations in order to stabilize atmospheric levels of greenhouse gases, and ultimately stabilize the climate system.

For a copy of the lawsuit and more information about the EPAct and the benefits of alternative fuel vehicles, visit

<http://www.biologicaldiversity.org/swcbd/programs/policy/energy/index.html>.