



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

nyc.gov/law

For Immediate Release

**NEW YORK CITY, ALONG WITH SEVERAL STATES
AND ENVIRONMENTAL ORGANIZATIONS,
PREVAILS IN U.S. SUPREME COURT GLOBAL WARMING CASE**

***U.S. SUPREME COURT DECIDES 5-4 THAT EPA HAS THE AUTHORITY
TO REGULATE GREENHOUSE GAS EMISSIONS
AND MUST EXPLAIN ITS REASONS FOR DECIDING OTHERWISE***

Contact: Kate O'Brien Ahlers, Communications Director, (212) 788-0400, media@law.nyc.gov

New York, April 2, 2007 – The U.S. Supreme Court decided in *Commonwealth of Massachusetts, et al. v. EPA*, today that the federal Clean Air Act authorizes the Environmental Protection Agency (EPA) to regulate greenhouse gases, such as carbon dioxide, and that the EPA's decision not to regulate such emissions lacked a legally proper justification. New York City was the lead City petitioner in the action, alongside several states, including New York and New Jersey, other cities, and major environmental groups, including the Sierra Club and Greenpeace.

Justice John Paul Stevens, in a 5-4 decision in which Justices Stephen G. Breyer, Ruth Bader Ginsburg, Anthony M. Kennedy and David H. Souter joined, reversed the decision of the U.S. Court of Appeals for the District of Columbia Circuit and found that the "EPA has offered no reasoned explanation for its refusal to decide whether greenhouse gases cause or contribute to climate change." The Court returned the rulemaking petition to the EPA and ordered that any reasons articulated in any future decision by the EPA on whether to regulate greenhouse gases from new motor vehicles had to be grounded in the Clean Air Act.

"We are committed to reducing greenhouse gases and doing our part in New York City to help in the fight against global warming, which is why we will be releasing our comprehensive carbon inventory in the next few weeks," said Mayor Michael R. Bloomberg. "The City's leadership in this lawsuit is another demonstration of that commitment. The links between greenhouse gases and climate change are getting harder to deny or ignore – and I'm glad that the Supreme Court recognizes that."

"New York City joined this challenge out of concern about the impacts that global warming have – and will continue to have – on the City and its residents," said Michael Cardozo, Corporation Counsel of the New York City Law Department. "Today's decision charges the EPA to decide the rulemaking petition on proper grounds. Hopefully, that approach will cause it to change its position."

Over dissenting opinions from Justices John G. Roberts, Jr., and Antonin Scalia, in which Justices Samuel A. Alito, Jr., and Clarence Thomas joined, the Court also found that the petitioners had constitutional standing to challenge the EPA's decision.

"It's reassuring that the Court recognized that injuries from global warming are imminent and concrete, and are causally connected to greenhouse gas emissions," commented Susan Kath, Chief of the Environmental Law Division at the New York City Law Department. "The sentiments underscore the

important climate change and sustainability work that the Mayor's Office, the City's Department of Environmental Protection and other City agencies have undertaken during this Administration to address the impacts of global warming on the City's residents and infrastructure."

The Law Department's legal team included Environmental Law's Susan Kath, Scott Pasternack and Tracy Triplett.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department has an active caseload of 90,000 matters and transactions in 17 legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's 650-plus attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. For more information, please visit nyc.gov/law.

###