



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

**NEW YORK CITY FILES SUIT CHALLENGING THE EPA'S REFUSAL
TO REGULATE GREENHOUSE GAS EMISSIONS**

**CITY JOINS CITY OF BALTIMORE, AG'S OF SEVERAL STATES AND MAJOR ENVIRONMENTAL GROUPS
IN FILING PETITIONS SEEKING CLIMATE CHANGE REGULATION**

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New York, October 23, 2003 – New York City announced that it has filed suit today in the Federal Court of Appeals in Washington, D.C., challenging two rulings issued in August 2003 by the United States Environmental Protection Agency (EPA) declaring that the agency did not have the statutory authority to regulate greenhouse gas emissions under the Clean Air Act. New York City is being joined in its suit by the City of Baltimore. More than 12 states, including New York and New Jersey, and several major environmental groups, including the Sierra Club and Greenpeace, are also filing separate challenges to EPA's rulings.

"The City of New York has joined this appeal out of concern for the impacts that climate change will have on the City and its residents and as part of the Administration's commitment to maintaining a clean Big Apple," said Michael Cardozo, Corporation Counsel of the New York City Law Department. The Law Department's Environmental Law Division is representing the City in the suit.

"It is critical to address the problem of global climate change. This lawsuit points to how important this issue is to New York City," noted New York City Department of Environmental Protection Commissioner Christopher Ward. "Mayor Bloomberg has committed the City to dealing with this serious problem. Currently, the City is finalizing its greenhouse gas inventory and is formulating a strategy to reduce such emissions in the future."

The challenge arises from the August 28, 2003, rulings by the EPA that denied a petition filed by several environmental organizations to request that the agency regulate under the Clean Air Act the emission of four different greenhouse gases -- carbon dioxide, methane, nitrous oxide and hydrofluorocarbons. The rulings contradict earlier testimony and statements made by EPA to Congress in 1998, 1999 and 2000, which indicated that the agency did have the legal power to regulate such emissions. According to scientists, greenhouse gas emissions are the leading cause of global warming.

The City believes that steps must be taken now by the Federal government to reduce greenhouse gas emissions and to address the dangers of global climate change. "The City has worked for 30 years to help ensure the goals of the Clean Air Act and, more recently, on ways to reduce emissions of greenhouse gases," noted Susan Kath, Chief of the Law Department's Environmental Law Division. "The EPA's failure to regulate emissions of carbon dioxide and other greenhouse gases could lead to flooded City streets, subway stations, and sewers along with disruption of the water supply and wastewater treatment plants."

The City filed the petition challenging the rulings by the EPA because of its concern about the effects that

climate change will have because of the City's proximity to the Atlantic Ocean, the Hudson River and other waterways. Rising water levels and temperatures could lead to increased public health risks caused by temperature extremes; storms and other heavy precipitation events; exposure to diseases caused by mosquitoes, ticks and rodents; increased air pollution and flooding; threats to the water supply and wastewater treatment system; and threats to marine-based recreational activities.

The case is being handled for the City by Susan Kath, Chief; and Scott Pasternack, Assistant Corporation Counsel, of the Environmental Law Division.

In addition to the Law Department filing its petition with the City of Baltimore, the State AG's who filed a separate petition include: Connecticut, Illinois, Maine, Massachusetts, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington State. In addition, the Island Governments of American Samoa (in the South Pacific) and the Commonwealth of the Northern Mariana Islands (also in the South Pacific) took part in the AG's petition as well.

Also, several environmental groups also submitted a concurrent petition. They included: Bluewater Network, the Center for Biological Diversity, the Center for Food Safety, the Conservation Law Foundation, Environmental Advocates, Environmental Defense, Friends of the Earth, Greenpeace, the International Center for Technology Assessment, the National Environmental Trust, the Natural Resources Defense Counsel, the Sierra Club, the Union of Concerned Scientists and the U.S. Public Interest Research Group (USPIRG).

Finally, the State AG of California also filed its own set of legal petitions.

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's 650-plus lawyers handle more than 90,000 cases and transactions each year in 17 separate 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 attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at www.nyc.gov or via direct link at www.nyc.gov/html/law/home.html.

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