



International Center for Technology Assessment

660 Pennsylvania Ave., S.E., Suite 302, Washington, DC 20003,
(202) 547-9359 fax (202) 547-9429

Chronology of the Global Warming Case Against the EPA

- **October 20, 1999.** The International Center for Technology Assessment (CTA), joined by eighteen other organizations, files an administrative rulemaking petition with the Environmental Protection Agency (EPA), formally entitled “Petition for Rulemaking and Collateral Relief Seeking the Regulation of Greenhouse Gas Emissions from New Motor Vehicles Under § 202 of the Clean Air Act” (Greenhouse Gas Petition).

The Greenhouse Gas Petition asks EPA to take regulatory action under section 202(a) of the Clean Air Act (CAA) to reduce CO₂ and other greenhouse gases that are released from motor vehicles because they are “air pollutants” reasonably anticipated to harm public health and welfare because of global warming. Upon receipt of the Greenhouse Gas Petition, EPA created Air and Radiation Docket No. A-2000-04.
- **January 23, 2001.** The EPA publishes a Notice and Request for Comments entitled “Control of Emissions from New and In-use Highway Vehicles and Engines” in the Federal Register. 66 Fed. Reg. 7486 (Jan. 23, 2001). The Notice described and summarized the Greenhouse Gas Petition and requested public comments.
- **May 23, 2001.** EPA’s public comment period for the Greenhouse Gas Petition closes. Almost 50,000 public comments were submitted to the docket the vast majority of which support the petition.
- **January 10, 2002.** CTA sends a letter to EPA stating that the agency must substantively respond to the Greenhouse Gas Petition and that if no such response was received by June 1, 2002, that CTA would consider litigation to compel an answer.
- **December 5, 2002.** CTA, Sierra Club and Greenpeace file a lawsuit against EPA seeking to compel the agency to answer the Greenhouse Gas Petition. See International Center for Technology Assessment, et al. v. Whitman, Docket No. 02-CV-2376 (D.D.C.).
- **September 8, 2003.** EPA settles the case by publishing its Notice of Denial of the CTA Greenhouse Gas Petition in the Federal Register. 68 Fed. Reg. 52922 (Sept. 8, 2003). EPA publicly provides a memorandum by EPA’s General Counsel, Robert E. Fabricant, concluding that the Clean Air Act does not authorize EPA to regulate for global climate change purposes.
- **October 23, 2003.** CTA, Sierra Club, Greenpeace, Center for Biological Diversity, Center for Food Safety, Conservation Law Foundation, Environmental Advocates, Environmental Defense, Friends of the Earth, National Environmental Trust, Natural Resources Defense Council, Union of Concerned Scientists and United States Public Interest Research Group file a petition for review of the EPA Greenhouse Gas Petition decision and Fabricant memorandum in the U.S. Court of Appeals for the D.C. Circuit. International Center for Technology Assessment, et al. v. EPA, Docket No. 03-1363, 03-1367.
- **October 23, 2003.** The states and territories of American Samoa, California, Connecticut, Illinois, Maine, Massachusetts, New Jersey, New Mexico New York, Oregon, Rhode Island, Vermont and Washington file also file a petition for review of the EPA decision. Also joining this effort are the municipalities of New York City and Baltimore. Commonwealth of Massachusetts, et al. v EPA, Docket Nos. 03-1361, 03-1365; State of California v. EPA, Docket Nos. 03-1362, 03-1366; Mayor of Baltimore City, et al. v. EPA, 03-1364, 03-1368.

- **October 29, 2003.** The D.C. Circuit consolidates all the petitions for review filed on Oct. 23, 2003 under one case, now known as Commonwealth of Massachusetts, et al. v EPA, Docket Nos. 03-1361, 03-1365.
- **November 21, 2003.** Alliance for Automobile Manufacturers, National Automobile Dealers Association, Engine Manufacturers Association and Truck Manufacturers Association move to intervene in the case on the side of the EPA.
- **November 24, 2003.** The States Michigan, Texas, Idaho, North Dakota, Utah, South Dakota, Alaska, Kansas, Nebraska, and Ohio move to intervene in the case on the side of the EPA.
- **November 24, 2003.** The Utility Air Regulatory Group (includes Edison Electric Institute, National Mining Association and National Rural Electric Cooperative Association) and the CO₂ Litigation Group (includes American Petroleum Institute, the U.S. Chamber of Commerce, and National Association of Manufacturers) move to intervene in the case on the side of the EPA.
- **December 12, 2003.** Indiana moves to intervene as an amicus curiae in support of the EPA.
- **December 22, 2003.** The Indigenous Environmental Network, REDOIL (network of Alaskan native tribes), Physicians for Social Responsibility move to intervene an amicus curiae in support of Petitioners. Groups represented by Trustees for Alaska.
- **December 22, 2003.** Washington Legal Foundation moves to intervene as an amicus curiae in support of the EPA.
- **April 8, 2005.** Oral argument before the U.S. Court of Appeals for the District of Columbia Circuit before Circuit Judges David B. Sentelle, A. Raymond Randolph and David S. Tatel.
- **July 15, 2005.** U.S. Court of Appeals for the D.C. Circuit issues a split decision in which Judges Randolph and Sentelle join together for purposes of a judgment denying Petitioners' Petition for Review. Judge Tatel issues a 38-page dissent. See Massachusetts, et al.v. EPA, 415 F.3d 50 (D.C.Cir. 2005).
- **August 29, 2005.** Commonwealth of Massachusetts, joined by states of Maine, New Mexico, Oregon, Rhode Island, Washington, and the District of Columbia, file Petition for Rehearing En Banc with the U.S. Court of Appeals for the D.C. Circuit.
- **December 2, 2005.** U.S. Court of Appeals denies Petition for Rehearing En Banc in a 4-3 decision. Judges Tatel and Rogers issue dissent stating, "[I]f global warming is no a matter of exceptional importance, then those words have no meaning." See Massachusetts v. EPA, 433 F.3d 66 (D.C.Cir. 2005).
- **March 2, 2006.** All Petitioners join in filing Petition for Writ of Certiorari to the U.S. Supreme Court.
- **June 26, 2006.** U.S. Supreme Court grants certiorari to hear Massachusetts v. EPA..
- **December 2006.** U.S. Supreme Court will hear oral argument in the case.