



# INTERNATIONAL CENTER FOR TECHNOLOGY ASSESSMENT

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## **EPA Climate Change Decision Yields Victory for ICTA after Ten-Year Legal Battle**

### ***Agency Finally Complies with 2007 Landmark Supreme Court Victory Started by Small NGO***

Washington, DC – The Environmental Protection Agency (EPA) on Friday formally declared carbon dioxide and five other heat-trapping gases to be pollutants that threaten public health and welfare, beginning the process of regulating global warming-causing gases for the first time ever in the United States. Two years ago this month the Supreme Court ordered EPA to make this determination under the Clean Air Act in a landmark environmental case, *Massachusetts v. EPA*. That case began as a 1999 legal petition from a small Washington DC-based non-profit, the International Center for Technology Assessment (ICTA). The Supreme Court eventually ruled that EPA had arbitrarily denied the ICTA petition and that the agency had to analyze whether the climate change pollutants endangered public health and welfare. Today EPA answered that question affirmatively.

“When ICTA began this, we did not predict it would take a decade and a Supreme Court ruling to force EPA to recognize and address climate change,” said ICTA’s Executive Director and Founder, Andrew Kimbrell. “Better late than never seems apt. We now strongly urge the Obama Administration’s EPA to move rapidly to regulate the dangerous greenhouse gases that threaten the very viability of life on this planet.”

In 1999, ICTA took the lead in petitioning EPA to use its Clean Air Act authority to regulate greenhouse gases. Despite resistance then from some mainstream environmental groups, ICTA and its partners urged the Clinton EPA to assess studies linking automobile emissions to global warming threats, such as rising sea levels and a higher incidence of disease outbreaks. If EPA determined that motor vehicle CO2 pollution threatened either public health or welfare, it would be compelled to produce an “endangerment finding,” and would then need to respond with regulations for cars, trucks and other motor vehicles, the same process begun today.

After the 2000 elections, the ICTA petition passed to the Bush Administration’s EPA, where it sat unanswered for years. ICTA sued to compel a response, and in 2003, EPA denied the petition on the policy grounds that climate change was being adequately addressed by other means and that it had no authority under the Clean Air Act. In 2005, a Federal Court of Appeals upheld the EPA decision and the

Supreme Court granted review of the case, now with a wide coalition of twelve states, several cities and over a dozen environmental organizations. In a decision hailed as one of the most important environmental rulings ever, in April 2007, the high court sided with the environmentalists and states 5-4, ordering EPA to re-examine ICTA's petition on whether greenhouse gases from motor vehicles threaten the public health or welfare.

Because of the Court's decision EPA revisited the 1999 ICTA petition and today finally determined that the science in support of EPA action under the Clean Air Act was "compelling and overwhelming." Proposed regulations are to follow.

"Today's decision is important because climate change is arguably the greatest moral challenge of our generation and this is an important, if long overdue, step in addressing it," said Kimbrell.

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The International Center for Technology Assessment (ICTA) is a non-profit, bi-partisan organization committed to providing the public with full assessments and analyses of technological impacts on society. ICTA is devoted to fully exploring the economic, ethical, social, environmental and political impacts that can result from the applications of technology or technological systems. Among other projects, ICTA works on climate change technologies, biotechnology, and nanotechnology.