

# ENVIRONMENTAL

# NEWSFLASH

SEPTEMBER 13, 2007

## RULINGS IN PAIR OF IMPORTANT GREENHOUSE GAS CASES

On September 12, 2007, a federal district court in Vermont ruled in *Green Mountain Chrysler-Plymouth-Dodge-Jeep v. Crombie*, that Vermont's greenhouse gas emissions regulations for automobiles are not actually fuel economy standards that are preempted by the federal Energy Policy and Conservation Act. California had initially established the standards, and Vermont had adopted the California standards under provisions in the federal Clean Air Act. The United States EPA still must grant a waiver in Order for the standards to become effective. EPA has said that it will act on California's waiver application by the end of the year. Ten other states have also adopted the California standards.

On August 30, 2007, a federal district judge dismissed the complaint in *Comer v. Murphy Oil USA Inc.* for lack of standing. In that lawsuit, the plaintiffs sought to link the greenhouse gas emissions from coal and other energy companies to the extensive damages to residential and business property wrought by Hurricane Katrina. For an in depth analysis of the legal hurdles faced by toxic tort plaintiffs in bringing claims for damages allegedly caused by greenhouse gas emissions, see James G. Derouin, Fredric D. Bellamy and Mark E. Freeze, *Global Warming Litigation: The Phantom Menace*, 21 *Toxics Law Reporter* 39 (BNA), October 5, 2006.

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