



For Immediate Release
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TWO IMPORTANT SUPREME COURT VICTORIES FOR CLEAN AIR

Chicago - The U.S. Supreme Court today handed down two important Clean Air Act decisions. In **Massachusetts v. EPA**, the court ruled that the U.S. Environmental Protection Agency (US EPA) has the authority to regulate greenhouse gas emissions from automobiles that scientists say contribute to global warming and climate change.

The US EPA had argued that under the Clean Air Act, it did not have sufficient statutory authority to enforce such measures. Illinois joined Massachusetts and 10 environmental organizations as petitioners in the case.

“Today’s Supreme Court victory is an important first step in ensuring that the US EPA takes all appropriate action to effectively deal with climate change,” said Attorney General Lisa Madigan.

The Supreme Court also today unanimously turned back a Clean Air Act New Source Review challenge by Duke Energy Corporation regarding a Virginia power plant. Illinois filed an amicus brief in **Environmental Defense Fund v. Duke Energy Corp.** in support of the US EPA’s contention that companies who make changes to polluting facilities such as power plants and refineries must update their pollution control equipment whenever those changes increase the total amount of pollution emitted annually – for example, where the changes allow the plant to operate more hours per day or more days per year. Duke Energy had argued that the control equipment upgrades were only required for expansions of plant capacity that result in more pollution emitted per hour.

“The U.S. Supreme Court today preserved the clear provisions of the Clean Air Act, which safeguard the air we breathe from factories, refineries and power plants by requiring modern pollution controls on plants that increase their emissions,” said Madigan. “The court recognized that these controls have to be installed not just on the rare occasions when companies expand plant capacity, but whenever they make changes that result in more pollution over time.”

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