



February 5, 2018

ATTORNEY GENERAL MADIGAN FILES BRIEF TO RESTORE AIR POLLUTION FUNDS TO FEDERAL HARLEY-DAVIDSON SETTLEMENT

Chicago — Attorney Lisa Madigan and 10 other state attorneys general filed an amicus brief opposing the elimination of \$3 million in funding for clean air projects from a proposed settlement between the federal government and Harley-Davidson. The proposed settlement between the U.S. Department of Justice (DOJ) and Harley-Davidson stems from a complaint filed by the DOJ on behalf of the U.S. Environmental Protection Agency (EPA) arguing that Harley-Davidson manufactured and sold “tuners” that once installed, caused motorcycles to emit excess amounts of certain harmful air pollutants, including hydrocarbons and nitrogen oxides.

Under the settlement, Harley-Davidson would stop selling non-compliant tuners, offer to buy back such tuners remaining in dealer inventory, pay a civil penalty of \$12 million, and fund a \$3 million project to reduce air pollution by retrofitting or replacing higher polluting wood-burning appliances such as woodstoves.

In July 2017, the federal administration changed course and proposed a nearly identical alternate settlement that excluded the \$3 million air pollution project. DOJ stated the project was removed from the settlement due to a new policy issued by the U.S. Attorney General that prohibits federal settlements from including payments to third parties.

In the brief, Madigan and the other attorneys general argue the policy does not apply to projects which directly remedy the harm caused by pollution emission, such as the pollution from non-compliant Harley-Davidson motorcycles.

“Companies that violate the law must be held accountable and be required to take steps to clean up the environment from the pollution they caused,” Madigan said.

Madigan and the other attorneys general are asking the court to not approve the proposed settlement until the \$3 million air emission project is restored or replaced with a substantially equivalent mitigation project.

Joining Madigan in filing the brief were the attorneys general of: the District of Columbia, Iowa, Maine, Maryland, Massachusetts, New York, Oregon, Rhode Island, Vermont, and Washington, as well as the Puget Sound Clean Air Agency in Washington.

The brief is available [here](#).

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