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**EMA SUBMITS ARGUMENTS TO U. S. SUPREME COURT ON KEY
FEDERAL PREEMPTION CASE INVOLVING TRANSPORTATION
SOURCES**

WASHINGTON, D.C., September 2, 2003. The Engine Manufacturers Association (EMA) and the Western States Petroleum Association (WSPA) have submitted their formal brief to the United States Supreme Court challenging a series of so-called "fleet rules" approved by the local air management district for Los Angeles in 2000 which prohibit certain local fleets from purchasing any diesel vehicles. The case, EMA and WSPA v South Coast Air Quality Management District, will be argued before the Court later this year and centers on preserving the rights of private and public sector fleets to purchase cars and trucks that meet vehicle and engine emission standards established by the U. S. Environmental Protection Agency and the California Air Resources Board.

EMA and WSPA filed suit in federal court in 2001 arguing that the fleet rules establish local requirements that are expressly prohibited by the federal Clean Air Act. The Act gives the United States Environmental Protection Agency and, under certain circumstances, the State of California, authority to regulate emissions from new cars and trucks. The Act also prohibits other states and local governments from establishing different emission-control standards for new motor vehicles. The Supreme Court agreed to hear the case earlier this year.

Due to the national implications of the case, several other prominent industry groups involved in the transportation sector, including the Alliance of Automobile Manufacturers, American Petroleum Institute, American Trucking Association, National Petrochemical Refiners Association, National Association of Manufacturers, National Automobile Dealers Association, Truck Manufacturers Association and the United States Chamber of Commerce have joined EMA and WSPA in submitting arguments to the Court. In addition, and especially significant, the United States acting through the Solicitor General's Office also has submitted a brief detailing why the fleet rules are preempted and should be overturned.

"As recognized by Congress when it passed the Clean Air Act, it is critical for the nation's economy and the efficient transportation of products that vehicle and engine manufacturers be required to meet at most only two sets of emissions standards - standards established by the U. S. EPA or standards set by California with EPA approval." said Jed Mandel, EMA President. "The fleet rules violate that common-sense regulatory scheme by prohibiting the purchase of engines and vehicles that fully comply with emissions and

environmental protection standards developed by California and approved by EPA. If every state and local government established their own standards, it simply would be impossible for manufacturers to design, build and sell vehicles to meet each locality's particular requirements. These important federal preemption provisions of the Clean Air Act are designed to prevent regulatory chaos and preserve the flow of interstate commerce across the country"

Mr. Mandel indicated that this is not a clean air issue. "This case is not about cleaner air or environmental protection. The vehicles affected by the fleet rules meet or better all applicable EPA and California emissions requirements. In particular, diesel vehicle emissions have been reduced by 90 percent and will be reduced another 90 percent in 2007 in compliance with new federal regulations already on the books. Rather, the central issue of the case is about local government unnecessarily and unlawfully restricting consumer choices in transportation. Fleets and individuals in Los Angeles should be able to purchase any vehicles and fuels that are approved and certified by the California Air Resources Board, and manufacturers should be able to market and sell their products without interference from local governments. Today's brief clearly makes that case before the Court.

"We are confident that our arguments are sound and look forward to presenting our case to the Supreme Court in December. We are also very appreciative of the strong show of support from the United States Solicitor General. The South Coast fleet rules are a terrible precedent, and industry - like the Government - believes strongly that they need to be overturned," concluded Mandel.

A copy of the Supreme Court brief is available on the EMA website at www.enginemanufacturers.org.

The Engine Manufacturers Association is a trade association representing worldwide manufacturers of internal combustion engines used in applications such as trucks and buses, farm and construction equipment, locomotives, marine vessels, and lawn, garden and utility equipment. EMA works with government and industry stakeholders to help the nation achieve its goals of cleaner fuels, more efficient engines and cleaner air.