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FOR IMMEDIATE RELEASE

U. S. SUPREME COURT RULES IN FAVOR OF EMA IN FLEET RULE PREEMPTION CASE, CONFIRMING NATIONAL SYSTEM OF EMISSIONS CONTROLS ESTABLISHED BY THE CLEAN AIR ACT

CHICAGO, IL, April 28, 2004. In an opinion issued today, the U.S. Supreme Court ruled that a set of fleet rules previously adopted by the South Coast Air Quality Management District (SCAQMD, the local air regulatory agency for the Los Angeles area) do not escape federal preemption simply because they address the purchase of vehicles, rather than their manufacture or sale. The fleet rules at issue in the Court's ruling required operators of certain private and public fleets in the greater Los Angeles area to purchase only SCAQMD-specified vehicles when adding new vehicles to their fleets.

"We are extremely gratified by this tremendous result," said Jed Mandel, President of the Engine Manufacturers Association, the petitioner in the case. "The Court's decision confirms the fundamental point that we have tried to make clear to the SCAQMD all along – local agencies cannot adopt emission control programs that dictate the types of new vehicles that can be bought or sold. Today's opinion clearly recognizes and affirms the intent of Congress to establish a national program governing emissions from mobile sources including trucks, buses, and cars." Mandel went on to add, "The Court got it exactly right when it held that 'a preempted standard is a standard even when not enforced through manufacturer – directed regulation.'"

The fleet rules barred the purchase of many types of new vehicles, including diesel-fueled trucks and buses, that otherwise met all federal and California emissions standards and were certified for sale throughout California. The SCAQMD had tried to justify its fleet rules by claiming that they only regulated vehicle purchases, not sales, and so were not invalidated by the federal Clean Air Act's prohibition of state and local emission control standards applicable to new motor vehicles. The Supreme Court, in its 8-1 ruling, summarily rejected that rationale.

As the Court notes in its decision, "treating sales restrictions and purchase restrictions differently for preemption purposes would make no sense. The manufacturer's right to sell federally-approved vehicles is meaningless in the absence of a purchaser's right to buy them… We decline to read into (the preemption statute) a purchase/sale distinction that is not to be found in the text or structure of the Clean Air Act."

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Mandel noted that this case involved a jurisdictional battle between national and local vehicle standards and was not about clean air. "Importantly, there will be no adverse air quality effects that will result from the Supreme Court's decision. The fact is that the diesel engine technologies that the Fleet Rules attempted to ban are just as clean and low-emitting as other available technologies."

The case now returns to the federal district court in Los Angeles for implementation of the Supreme Court's decision. "We look forward to the prompt withdrawal and amendment of the fleet rules. SCAQMD will not be able to circumvent the Court's ruling by claiming that its rules can still apply to public fleets," said Mandel. "Our members' efforts to protect their rights have been vindicated. The nation's system of setting national emissions standards to avoid a patchwork of local emissions regulations is strengthened by today's decision."

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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, electrical generators, 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 clean air.

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