

Institute for Policy Integrity
New York University School of Law

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THINK TANK PREPARES TO BRING LAW SUIT AGAINST EPA

Requests a cap on carbon emissions for cars, boats and planes

New York City, November 28, – The United States Environmental Protection Agency (EPA) will soon have to contend with another law suit if it does not take certain steps to reduce greenhouse gases.

The Institute for Policy Integrity at New York University School of Law (Policy Integrity) will today submit a [notice](#) of intent to file suit against the EPA unless the agency institutes a cap, or limit, on greenhouse gases emissions from cars, boats, and planes. If suit is brought and won, the EPA will be legally compelled to act.

Over the past four years, EPA has put several regulations in place to decrease greenhouse gas emissions, which contribute to climate change. But none are as comprehensive and cost-effective as placing a cap on emissions. According to almost all economists, that means companies pay more than necessary to comply.

“The benefits of protecting the public from the threats of climate change outweigh the costs,” said Richard Revesz, dean of the New York University School of Law. “A cap is the cheapest, best way to address climate change. Why pay more than we must to make necessary cuts to our emissions?”

The damage caused by Superstorm Sandy was widely linked with the increased risks associated with climate change of intense storms and the particular exposure of low lying areas. The storm, which came at the end of a presidential election in which climate change was not emphasized by either major party candidate, highlighted the policy gridlock on the issue.

“Climate change must remain on the national agenda,” said Michael Livermore, Executive Director of the Institute for Policy Integrity. “Though legislative action is preferable, if Congress is stalled, EPA has the authority to move forward with a cap, reducing emissions and giving businesses flexibility to comply at the lowest possible price tag.”

The intent to sue follows a [formal petition](#) by Policy Integrity submitted in July 2009 making the same request. The Clean Air Act and Administrative Procedure Act require EPA to respond to petitions within a reasonable amount of time, and allow public petitioners to sue for unreasonable delay. Today's submission serves as the required notice that, unless EPA give the petition prompt consideration, Policy Integrity will file suit in 180 days to compel action on the petition.

The petition and the potential suit request that EPA to regulate greenhouse gases from cars, boats, and planes under Sections 211 and 231 of the Clean Air Act. These sections give EPA broad authority to use a flexible compliance tool like cap-and-trade to rein in greenhouse gas emissions.

[The Institute for Policy Integrity](#) at New York University School of Law is a non-partisan think-tank using economics and law to protect the environment, public health, and consumers.

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For interviews with Policy Integrity's Executive Director, [Michael Livermore](#), call 212-998-6085 or email ednai@nyu.edu.

For an electronic copy of this release, [click here](#).

To read the notice to EPA, [click here](#).

To read the original, 2009 petition, [click here](#).