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Groups Compel Government to Buy Alternative Fuel Vehicles Agencies Failed to Purchase Required AFVs for Public Fleets

San Francisco – The Center for Biological Diversity (CBD) and Bluewater Network announced a settlement today of their legal claims against four federal agencies for their continued failure to make required purchases of Alternative Fuel Vehicles (AFVs). In a settlement agreement filed in the Federal District Court in San Francisco, the Department of Commerce, Department of Labor, Department of Transportation, and Veterans Administration admitted their violation of the Energy Policy Act (EPA Act) and agreed to bring themselves into compliance with the law.

Every year since 1999, EPA Act has required that 75% of new light duty vehicles acquired for federal fleets must be AFVs, but every year, four major federal agencies, the Departments of Commerce, Labor, Transportation, and the Veterans Administration, have consistently violated the law. In fiscal year 2004, these agencies acquired only 46%, 3%, 29%, and 24% AFVs respectively. Today's settlement, a "work-out" plan designed to move these agencies into compliance with the law, will result in the purchase of thousands of new AFVs by the federal government.

Federal Judge William Alsup ruled in the case in July of this year that the Central Intelligence Agency was in violation of the EPA Act for its failure to meet the Act's requirement that agencies produce annual reports of their compliance with the AFV purchasing mandate.

"These agencies' refusal to buy required alternative fuel vehicles has increased Americans' risk of cancer, stroke, and asthma, increased global warming pollution, and helped keep the nation addicted to fossil fuels. Today's settlement agreement should finally begin to move these federal agencies in the right direction," said Danielle Fugere, Global Warming Campaign Director of Bluewater Network.

"This nation needs a new Manhattan Project focused on renewable energy development and reducing our unsustainable dependence on petroleum. Unfortunately, the Bush administration is promoting more oil drilling at a time when moving to alternative fuels offers the real hope of easing U.S. dependence on foreign oil," said Peter Galvin, Conservation Director for the Center for Biological Diversity.

Passed in 1992 after the first Gulf War, the goal of the Energy Policy Act is to replace 30% of U.S. transportation-related petroleum consumption with alternative fuels by 2010. This goal is to be

achieved primarily by harnessing the purchasing power of the federal government to create a market for the production of AFVs. The federal government has over 600,000 vehicles, the largest fleet in the nation. The EPA Act requires all federal agencies with light duty fleet vehicles in major metropolitan areas to acquire at least 75% AFVs each year instead of traditional petroleum-fueled cars and trucks.

“The EPA Act makes both economic and environmental sense,” said Jay Tutchton, attorney for the groups. “It was passed under a Republican Administration by the President’s father after the first Gulf War. Given the current situation in Iraq and recent gas price surges it makes even greater sense today. Under today’s settlement these federal agencies will finally begin doing their part to comply with this law.”

Greenhouse Gas Emissions - Emissions from petroleum-fueled vehicles contain greenhouse gases that cause global warming. In 2001, the Intergovernmental Panel of Climate Change concluded the global rise in average yearly temperature over the last 50 years was primarily attributable to human causes. The U.S. is responsible for approximately 25% of the world’s oil consumption, with approximately 65% of that used for transportation. Accordingly, the U.S. produces approximately 24% of the world’s greenhouse gases, one quarter of which are due to transportation. Climate change worldwide and in the U. S. is expected to severely impact wildlife and reduce biodiversity by altering the distribution and abundance of many species. Changing weather patterns, including droughts, floods, and increased storm intensity, takes an enormous toll on human and economic health as well. According to the World Health Organization, global warming is already responsible for over 150,000 deaths per year.

Today’s settlement comes as the 11th Conference of the Parties of the United Nations Framework Convention on Climate Change and 1st Meeting of the Party of the Kyoto Protocol gets underway in Montreal, Canada. The Kyoto Protocol is the first set of binding commitments in which industrialized nations agreed to cut greenhouse gas emissions by an average of 5.2% by the year 2012. Scientists agree that much deeper cuts are needed beyond 2012 to prevent catastrophic climate change, and negotiations on post 2012 commitments should be the focus of this year’s summit. In 2001, President G.W. Bush repudiated a campaign promise and abruptly withdrew the U.S. from the Kyoto Protocol. The Bush Administration has consistently attempted to undermine worldwide progress on climate change. Harlon Watson, senior climate negotiator for the Bush Administration, announced on Tuesday that the U.S. will refuse to discuss post 2012 emissions reductions at this year’s summit.

Air Quality Impacts - Air pollution from vehicles is also linked with numerous harmful effects on human health, including respiratory problems, heart and lung diseases, and premature death. Motor vehicles emit several hazardous pollutants that the Environmental Protection Agency classifies as known or probable human carcinogens. In California, for example, over 90% of the population lives in regions adversely affected by air quality problems, largely as a result of vehicle exhaust. Long-term exposure to air pollution in the San Francisco Bay Area may cause an additional 208 cases of cancer for every million residents, mostly attributable to byproducts of petroleum fuel combustion.

Displacing petroleum with alternative transportation fuels will reduce U.S. dependence on imported petroleum and vulnerability to foreign oil import disruptions, decrease emissions of greenhouse gases, pollutants and toxics, and promote domestic economic development. Implementation of the EPA Act would also reduce the need for oil exploration and development in sensitive wildlife areas such as the Arctic National Wildlife Refuge in Alaska.

For a copy of the settlement agreement and more information about the Energy Policy Act and benefits of AFVs, visit: <http://www.biologicaldiversity.org/swcbd/programs/policy/energy/index.html>