

---

# San Francisco Chronicle

NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

---

## New fuel economy standards sued as too weak

---

by BOB EGELKO  
*Chronicle Staff Writer*

---

**Friday, April 3, 2009**

The Obama administration's new fuel economy standards for 2011 vehicles, the first industrywide increase in miles-per-gallon requirements since the mid-1980s, were challenged in court Thursday by an environmental group, which said the rules are too weak and still don't consider the impact of emissions on global warming.

The standards, announced last Friday by the Department of Transportation, would boost average fuel economy requirements to 27.3 mpg for all vehicles, up by 2 mpg from 2010 models. Passenger cars would have to reach 30.2 mpg and light trucks 24.1 mpg.

Some environmental groups have said the new standards are a small step in the right direction, but the Center for Biological Diversity said Thursday they're actually weaker than the requirements that the Bush administration proposed last year for 2011 vehicles.

"These low standards, which ignore greenhouse gas emissions and the climate crisis, are illogical, illegal, and very disappointing from a president who has promised to make the United States a leader in the fight against global warming," said Kassie

Siegel, who directs the organization's climate law project.

The group asked the Ninth U.S. Circuit Court of Appeals in San Francisco to declare that the administration violated a federal law requiring that fuel economy standards be set at the maximum feasible level, in light of current technology, economic impact, and the nation's need to conserve energy. The same court ruled in a similar lawsuit in 2007 that the Bush administration's fuel standards for light trucks and SUVs for the 2008 through 2011 model years were invalid.

The court nevertheless allowed the new standards to take effect for 2008 through 2010 because of the time needed to prepare new rules. As a practical matter, Siegel said, the 2011 standards will probably survive the lawsuit for the same reason, but a favorable ruling would require the government to change its approach for future years. A recent federal law requires automakers to achieve an average of 35 mpg by 2020.

Separately, the Obama administration is considering California's request to limit vehicle emissions of carbon dioxide and other greenhouse gases under state law, which would effectively require cars and trucks sold in the state to increase fuel efficiency. If the administration approves and the action survives an auto industry lawsuit, 13 other states

and the District of Columbia plan to adopt the same standard.

The new Transportation Department rules included an assessment of the effect of fuel economy on climate change. According to Thursday's lawsuit, however, Obama administration officials used the same mathematical formula as the Bush administration and minimized the cost of carbon emissions. As a result, Siegel said, the department found that increasing gas mileage, to the extent now technologically and economically practical, would not reduce global warming.

The administration "cooked the books to conclude the maximum fuel efficiency level the United States can achieve in 2011 is the lowest in the world," Siegel said.

E - mail Bob Egelko at [begelko@sfchronicle.com](mailto:begelko@sfchronicle.com).

*This article appeared on page A - 13 of the San Francisco Chronicle*