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A Boeing Co. 737 Max airplane taxis after landing during a test flight in Seattle.

Photographer: Chona Kasinger/Bloomberg

Legal Brawl Set Over ‘Too Weak’ Airline Greenhouse Gas Standards

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- **COURT:** D.C. Cir.
- **DOCKET:** Cases not yet docketed.

Trump administration standards on carbon emissions from new planes don’t do enough to curb major greenhouse gas output from the airline industry, according to a pair of lawsuits filed Friday.

A dozen states and the District of Columbia, led by California Attorney General Xavier Becerra (D) and the California Air Resources Board, filed a [petition for review](#) at the U.S. Court of Appeals for the District of Columbia Circuit, urging judges to examine the Environmental Protection Agency's first-ever greenhouse gas standards for aircrafts.

The Center for Biological Diversity, the Sierra Club, and Friends of the Earth filed a [separate legal action](#) against the standards also at the D.C. Circuit Friday.

The challengers argue that the rule, [finalized in December 2020](#), falls short of properly regulating carbon from an industry with an outsized contribution to climate pollution.

"These standards are far too weak to accelerate investment in more fuel-efficient aircraft and engines, and they lag existing aircraft technologies by more than a decade," CARB Executive Officer Richard W. Corey said in a statement.

ICAO Measures

The standards closely follow measures already established by the International Civil Aviation Organization, with which planes currently comply. The rule also doesn't apply to planes already in service.

"We're confident that we'll stop this rule in court and we look forward to the new Biden administration setting serious, science-based standards for airplane pollution," Clare Lakewood, legal director at the Center for Biological Diversity's Climate Law Institute, said in a statement.

The "business-as-usual" rule would do nothing to stem emissions in a sector that makes up 12% of total transportation-related emissions in the U.S., according to a news release from Becerra announcing the lawsuit.

"If we're to have any hope of meaningfully addressing the climate crisis, everyone must do their part," Becerra said in the statement. "No sector, certainly not one that is a major contributor of GHGs, should be gifted a free pass from taking meaningful action to limit emissions."

Becerra was tapped last month by President-elect Joe Biden to run the Department of Health and Human Services.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg. Bloomberg Law is operated by entities controlled by Michael Bloomberg.

Cause of Action: Clean Air Act.

Response: EPA didn't immediately respond to request for comment but typically doesn't comment on pending litigation.

Attorneys: Attorneys general in each state are representing the plaintiffs. Earthjustice represents Friends of the Earth and Sierra Club. The Law Office of Vera Pardee also represents the Sierra Club. Center for Biological Diversity represents themselves.

The cases are: [California v. EPA](#), D.C. Cir., not yet docketed, petition for review filed 1/15/21; [Center for Biological Diversity v. EPA](#), D.C. Cir., not yet docketed, petition for review filed 1/15/21.

To contact the reporter on this story: Jennifer Hijazi in Arlington at jhijazi@bloombergindustry.com

To contact the editor responsible for this story: Rebecca Baker at rbaker@bloombergindustry.com