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## **Judge Dismisses Pro-Industry Lobby Lawsuit to Stop Clean Car Program**

(Santa Fe, NM) Third Judicial District Court Judge Robert Robles today granted a motion in a Las Cruces courtroom to dismiss a lawsuit filed by four state legislators, four auto dealers and one farmer asserting that the state Environmental Improvement Board does not have the authority to adopt the California Clean Car standards.

The state Attorney General's Office filed and argued the motion to dismiss on behalf of the Environmental Improvement Board.

"This lobbying effort has attempted to stop the Clean Cars program in every state and on every level — and at every turn has failed," New Mexico Environment Department Secretary Curry said. "Now is the time for everyone to join this national effort to reduce vehicle pollution and fight global warming."

New Mexico became the first Intermountain state and the thirteenth state in the nation last month to adopt the Clean Car program after the Environmental Improvement Board and the Albuquerque-Bernalillo Air Quality Control Board voted to approve the regulations that address climate change by reducing greenhouse gas emissions from cars.

The program, which will become effective January 1, 2008, requires car manufacturers to sell and lease vehicles that meet the standards beginning with model year 2011. The program only applies to new vehicles and will not affect new or used cars sold before that model year.

A handful of legislators, along with the pro-industry lobby, filed their lawsuit on November 27, the same day the EIB adopted the clean car standards.

"These regulations were not developed overnight," Secretary Curry added. "The Environment Department has had a stakeholder process in place for almost two years beginning with the Climate Change Advisory Group that initiated the recommendation to adopt the Clean Car standards. The language in the state statute is unambiguous — the Environmental Improvement Board has the clear authority to regulate vehicle emissions provided they are consistent with federal law. These rules are consistent with federal law."

The federal Clean Air Act allows the states to adopt either the federal motor vehicle standards or the California standards. The states that have adopted the standards and are moving toward adoption comprise more than 50 percent of the population and more than 50 percent of the cars in the U.S.

Judge Robles' dismissal comes on the heels of a recent federal court ruling last week in California throwing out an automaker's challenge to the standards.

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