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PENDING LITIGATION - With California Air Resources Board as a Party

The California Air Resources Board (CARB) is a party in the cases listed below as a defendant, a plaintiff, an amicus, or as an intervenor to support the U.S. Environmental Protection Agency's (U.S. EPA) rules or actions. These cases are organized for convenience into seven categories: cases related to (1) passenger cars, (2) trucks, (3) off-road engines (such as locomotives and ships), (4) stationary sources (such as powerplants and oil and gas pipelines), (5) the federal Clean Air Act's National Ambient Air Quality Standards and State Implementation Plans, (6) enforcement cases, and (7) other cases. The expectation is that this list will be periodically updated. Since the case name, court name, and case number are listed, details about each case can be obtained from the filed pleadings at each court.

Challenges to CARB's or U.S. EPA's Passenger Car Emissions Regulations

CARB intervened to defend U.S. EPA's 2024 greenhouse gas emission standards for passenger cars and pick-up trucks; U.S. EPA adopted the regulation for model years 2027-2032. *Kentucky, et al., v. Environmental Protection Agency, et al.* (United States Court of Appeals, District of Columbia Circuit, Case No. 24-1087).

CARB intervened to defend U.S. EPA's revised 2022-2026 federal fuel economy standards issued by the National Highway Traffic Safety Administration (NHTSA). CARB intervened to support the federal standards. *Natural Resources Defense Council v. National Highway Traffic Safety Admin., et al.* (United States Court of Appeals, District of Columbia Circuit, Case No. 22-1080, consolidated with Nos. 22-1144, 22-1145).

CARB intervened to support U.S. EPA's decision to restore CARB's waiver for its greenhouse gas emission and zero-emission passenger car standards. Since CARB regulated car emissions before the 1970 federal Clean Air Act was adopted, CARB is allowed to set emissions standards for cars if a waiver of preemption is granted. The Court of Appeals denied the petitions in April 2024; CARB and U.S. EPA prevailed. *Ohio, et al. v. EPA, et al.* (United States Court of Appeals, District of Columbia Circuit, Case No. 22-1081, consolidated with other cases).

Challenge to SAFE Vehicles Rule Part 1 against the U.S. EPA and NHTSA to revoke California's authority. *State of California v. Wheeler, et al.* (United States Court of Appeals, District of Columbia Circuit, Case No. 19-1239, consolidated with other cases under No. 19-1230, *Union of Concerned Scientists, et al. v. NHTSA*).

Challenge to the SAFE Vehicles Rule Part 2 against U.S. EPA and NHTSA to relax federal passenger vehicle greenhouse gas emissions and fuel economy standards.

State of California v. Wheeler, et al., (United States Court of Appeals, District of Columbia Circuit, Case No. 20-1167, consolidated with other cases under No. 20-1145, *Competitive Enterprise Institute, et al. v. NHTSA, et al.*).

CARB intervened to support U.S. EPA in a challenge to its more stringent 2021-2026 greenhouse gas emission standards for cars.

State of Texas, et al. v. Environmental Protection Agency, et al. (United States Court of Appeals, District of Columbia Circuit, Case No. 22-1031).

Challenge to CARB’s Advanced Clean Cars II rulemaking in federal district court

under the federal and California constitutions, the California Environmental Quality Act, and the Administrative Procedures Act. *The Two Hundred for Homeownership, Robert Apodaca, and Jose Antonio Ramirez v. Steven S. Cliff, in his official capacity*, (United States District Court, Eastern District of California, Fresno Division, Case No. 1:22-at-904).

Challenge by fossil-fuel industry association to CARB’s Advanced Clean Cars II regulations in state court

opposing the zero-emission vehicle requirements on California Administrative Procedures Act, California Environmental Quality Act, and State constitutional grounds. *Western States Petroleum Association v. California Air Resources Board, et al.*, (Fresno County Superior Court, Case No. 22CECG03603).

Challenges to CARB’s or U.S. EPA’s Truck Emissions Regulations

Challenge to CARB’s Advanced Clean Trucks rulemaking by the natural gas industry association

under the California Environmental Quality Act and the Administrative Procedures Act. *California Natural Gas Vehicle Coalition v. California Air Resources Board* (Fresno County Superior Court, Case No. 20CECG02250; industry appeal California Court of Appeal, Fifth District, F084229).

Three challenges in federal court to CARB’s Advanced Clean Fleets greenhouse-gas regulation

as preempted by federal statutes and other claims. *California Trucking Association v. California Air Resources Board* (United States District Court, Eastern District of California, Case No. 2:23 cv 02333 TLN CKD)

American Free Enterprise Chamber of Commerce, et al. v. Steven S. Cliff, et al. (United States District Court, Eastern District of California, Case No. 2:24 cv 00988 KJM-JDP)

Nebraska, et al. v. Steven S. Cliff, et al. (United States District Court, Eastern District of California, Case No. 2:24-cv-01364-JAM-CKD).

Two industry groups, in separate state court lawsuits, challenged CARB’s Advanced Clean Fleets truck regulation as failing to meet state law, California Environmental Quality Act, and other procedural requirements, as well as claims of violating constitutional protections and lack of legal authority.

Western States Petroleum Association v. California Air Resources Board (Fresno County Superior Court, Case No. 23CECG02976) and

Western States Trucking Association v. California Air Resources Board (Fresno County Superior Court, Case No. 23CECG02964)

CARB intervening to support U.S. EPA’s 2024 heavy-duty truck emissions regulation, which plaintiffs allege exceeds U.S. EPA’s statutory authority and otherwise is arbitrary, capricious, an abuse of discretion, and not in accordance with law. *Nebraska, et al. v. EPA* (United States Court of Appeals, District of Columbia Circuit, Case No. 24-1129).

Challenges to CARB’s Off-Road Regulations

Challenge to CARB’s in-use locomotive regulation on preemption and other grounds.

Association of American Railroads, et al. v. Randolph, et al. (United States District Court, Eastern District of California, Sacramento Division, Case No. 2:23 cv 01154 JAM-JDP).

Challenge to CARB’s at-berth regulation amendments, including adding oil tankers, and requiring plugging in at ports. CARB prevailed in superior court, and WSPA appealed.

Western States Petroleum Association v. California Air Resources Board (Los Angeles County Superior Court, Case No. 20STCP03138); California Court of Appeal, Second District, Case No. B327663).

Litigation Related to Stationary Source Emissions (Methane and Other Pollutants)

Challenge to California’s climate disclosure statutes (SB 253 and SB 261) as violating the First Amendment, preempted by the federal Clean Air Act, and other claims. *Chamber of Commerce of the United States, et al. v. California Air Resources Board, et al.* (United States District Court, Central District of California, Case No. 2:24 cv 00801)

CARB intervening to support U.S. EPA’s 2024 rule limiting emissions from power plants. *State of West Virginia, et al. v. U.S. Environmental Protection Agency, et al.* (United States Court of Appeals, District of Columbia Circuit, Case No. 24-1120)

CARB intervened to support U.S. EPA’s 2023 rule for implementing section 111 of the Clean Air Act. *State of West Virginia, et al. v. U.S. Environmental Protection Agency, et al.* (United States Court of Appeals, District of Columbia Circuit, Case No. 24-0009)

CARB intervened to support U.S. EPA against the challenges to its 2024 oil and gas regulation limiting methane and VOCs from new and existing sources. *State of Texas, et al. v. U.S. EPA, et al.* (United States Court of Appeals, District of Columbia Circuit, Case No. 24-1054).

CARB intervened in the challenge to U.S. EPA’s final rules in 2020 that reverse limits on methane and other emissions from existing sources in the oil and gas sector that were constructed or modified since September 18, 2015. *Environmental Defense Fund, et al. v. Andrew Wheeler, et al.* (United States Court of Appeals, District of Columbia Circuit, Case No. 20-1360).

Challenge to the federal Bureau of Land Management recession of the 2016 Waste Prevention Rule for oil and gas methane leaks on federal lands. *State of California, et al. v. David Bernhardt, et al.* (United States Court of Appeals, Ninth Circuit, Case No. 20-16793, appeal from 472 F.Supp.3d 573 (N.D. Cal. 2020).

Challenge in 2018 to U.S. EPA’s failure to initiate rulemaking for existing oil and natural gas facilities. *State of New York, et al. v. Andrew Wheeler and the United States Environmental Protection Agency* (United States District Court, District of Columbia, Case No. 1:18-CV-00773).

Challenge to U.S. EPA 2015 standards of performance for greenhouse gas emissions from new, modified, and reconstructed electricity-generating power plants. CARB intervened in 2015 to defend the existing federal rule. *State of North Dakota v. United States Environmental Protection Agency* (United States Court of Appeals, District of Columbia Circuit, Case No. 15-1381).

CARB intervened to defend U.S. EPA’s 2016 oil and gas methane rule. CARB intervened in 2016 to support U.S. EPA’s rule to control methane emissions from new and modified sources in the oil and gas sector. *State of North Dakota, et al. v. United States Environmental Protection Agency, et al.* (United States Court of Appeals, District of Columbia Circuit, Case No. 16-1242).

CARB intervened in 2016 to defend the Federal Bureau of Land Management’s rule to prevent waste of natural gas on public lands. *State of Wyoming, et al. v. United States Department of the Interior, et al.* (United States District Court, District of Wyoming – Cheyenne, Case No. 16-CV-285-SWS; United States Court of Appeals, Tenth Circuit, Case No. 20-8072, appeal from 493 F.Supp.3d 1046 (D. Wyo. 2020).

Challenge to U.S. EPA’s 2020 midnight revocation of its long-established “once in, always in” policy for controlling major sources of hazardous air pollutants from stationary sources. *California v. United States Environmental Protection Agency* (United States Court of Appeals, District of Columbia Circuit, Case No. 21-1034 consolidated with Case No. 21-1024).

Litigation Related to Clean Air Act – State Implementation Plans or National Ambient Air Quality Standards (NAAQS)

CARB intervened to support U.S. EPA defend its 2024 standard for particulate matter in the “Reconsideration of the National Ambient Air Quality Standards for Particulate Matter”; the allowed amount of particulate matter is reduced to improve public health. *Commonwealth of Kentucky, et al. v. United States Environmental Protection Agency* (United States Court of Appeals, District of Columbia Circuit, Case No. 24 1050).

Challenge to U.S. EPA’s 2020 “midnight rule” setting lax ozone National Ambient Air Quality Standards. California intervened to support aligned states to challenge this weakened standard. *New York, et al. v. United States Environmental Protection Agency, et al.* (United States Court of Appeals, District of Columbia Circuit, Case No. Case No. 21-1028).

Challenge to U.S. EPA’s 2020 “midnight rule” setting lax particulate matter National Ambient Air Quality Standards. California led a coalition of aligned states to challenge this weakened standard. *State of California, et al. v. United States Environmental Protection Agency, et al.* (United States Court of Appeals, District of Columbia Circuit, Case No. Case No. 21-1014).

Challenge by community groups for the failure to establish fee programs when ozone nonattainment status required them under the federal Clean Air Act. *East Yard Communities for Environmental Justice, et al. v. South Coast Air Quality Management District, et al.* (United States District Court, Central District of California, Los Angeles, Case No. 2:23 cv 06682).

Enforcement Cases

Enforcement of emissions standards for diesel passenger cars. *California Air Resources Board v. Daimler AG and Mercedes-Benz USA, LLC.* (United States District Court, District of Columbia, Civil Action No. 1:20-cv-2565.)

Complaint against fuel distributors for violations of the Regulation on the Commercialization of Alternative Diesel Fuels. CARB prevailed after bench trial and awaiting any appeal. *People ex rel. CARB v. Noil Energy Group, Inc. & Speedy Fuel, Inc.* (Los Angeles Superior Court, Case Nos. 20STCV30142, 20STCV30292).

Investigation into use of the monies received from CARB under the Hybrid and Zero-Emission Incentives Project; company sued when their participation was paused. *GreenPower Motor Company, Inc. v. California Air Resources Board* (Sacramento County Superior Court, Case number 23WM000083).

Complaint against the company for fraudulent certification of biodiesel additive. *California Air Resources Board v. Best Energy Solutions & Technology Corp.* (Los Angeles Superior Court, Case No. 22STCV32487).

Action in response to Aliso Canyon natural gas leak; alleges nuisance and other theories; case settled but ongoing monitoring. *People v. Southern California Gas Company* (Los Angeles Superior Court, Case No. BC602973).

Other Cases

CARB intervened to support petitioners' challenge to China Shipping's assertion that environmental documentation claiming prior mitigation is not needed at the Los Angeles Port. Plaintiffs prevailed at trial court and on appeal; the case is remanded to superior court for further action. *South Coast Air Quality Management District v. City of Los Angeles, et al.* (California Court of Appeal, Fourth District, Div. 1, Case. No. D080902; San Diego County Superior Court, Case No. 37-2021-00023385-CU-TT-CTL).

Challenge under the Endangered Species Act related to dust mitigation within the Oceano Dunes State Vehicular Recreation Area. *Friends of Oceano Dunes, Inc. v. California Air Resources Board, et al.* (U.S. District Court for the Central District of California, Case No. 2:17-cv-8733).

Third Party Vehicle Warranty Subpoenas (CARB is not a party) (Series of class action lawsuits seeking documents from CARB to support their claims. Individual cases are not listed as ever-changing series of cases.)

Multiple cases: The Heavy-Duty Vehicle Inspection Program. Heavy-duty trucks and buses traveling in California (even if registered elsewhere) may be inspected for excessive smoke, tampering, and engine certification label compliance. Tests are performed by CARB inspection teams at border crossings, CHP freeway weigh stations, fleet facilities, and roadside locations. Owners violating the requirements may receive a citation starting at \$300 per violation. The Heavy-Duty Vehicle Inspection Program was adopted pursuant to Health and Safety Code section 44011.6. Once the citation is final, applications for judgments are filed in Sacramento County Superior Court. (Health & Safety Code, § 44011.6(m).) The individual citations filed in court are not listed in this summary.