

05-1120 MASSACHUSETTS V. EPA

DECISION BELOW:415 F3d 50

LOWER COURT CASE NUMBER: 03-1361

QUESTIONS PRESENTED:

Section 202(a)(1) of the Clean Air Act, 42 U.S.C. § 7521(a)(1), requires the administrator of the Environmental Protection Agency ("EPA ") to set emission standards for "any air pollutant" from motor vehicles or motor vehicle engines "which in his judgment cause[s], or contribute[s] to, air pollution which may reasonably be anticipated to endanger public health or welfare."

The questions presented are:

1. Whether the EPA Administrator may decline to issue emission standards for motor vehicles based on policy considerations not enumerated in section 202(a)(1).
2. Whether the EPA Administrator has authority to regulate carbon dioxide and other air pollutants associated with climate change under section 202(a)(1).

CERT. GRANTED 6/26/2006