

02-1343 ENGINE MANUFACTURERS ASS'N v. SOUTH COAST AIR QUALITY, ET AL.

Ruling below: CA 9, 309 F.3d 550.

QUESTION PRESENTED

Section 209(a) of the Clean Air Act expressly preempts any state or local "standard relating to the control of emissions from new motor vehicles." 42 U.S.C. § 7543(a). The First and Second Circuits have applied this provision to invalidate state regulations limiting the sale of new motor vehicles with specified emission characteristics. The Ninth Circuit in this case has held that a local regulation may impose such restrictions on new vehicle purchases. The question presented is:

Whether local government regulations prohibiting the purchase of new motor vehicles with specified emission characteristics--which are otherwise approved for sale by state and federal regulators--are preempted by the Clean Air Act, 42 U.S.C. § 7401 et seq.

CERT. GRANTED: 6/9/03