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Florida Attorney General's Office News Release

Attorney General Moody and Governor DeSantis Challenge Biden Administration Rule Requiring States Set Targets to Reduce On-road CO2 Emissions



TALLAHASSEE, Fla.—Attorney General Ashley Moody is pushing back against the Biden administration’s federal overreach. Attorney General Moody, with the support of Governor Ron DeSantis, filed a lawsuit challenging a new Biden administration rule requiring all states with National Highway System mileage to set arbitrary emissions targets. In addition to today’s announcement, Florida’s foresight and prudent fiscal management practices are now the standard-bearer amongst states given FDOT being the sole state to take the responsible step by no longer participating in USDOT’s carbon reduction program.

According to this new rule, states are required to set arbitrary targets for reduced CO2 emissions, to track progress towards said targets and report to the federal government goal progress. This rule forces states to spend an inordinate amount of time, resources and money with no clear guidance for what success looks like. The complaint argues that Congress has not given the U.S. Department of Transportation the authority to regulate greenhouse gas emissions.

Attorney General Ashley Moody said, “As if Biden’s unfounded and reckless energy policies haven’t devastated our economy enough, this new, foolhardy edict from the U.S. Department of

Transportation will create even more financial hardships for our state and Floridians. We're taking action today to ensure that this misguided new-emissions rule does not stand."

Governor Ron DeSantis said, "Florida will not sit idly by while the Biden Administration tries to force the Green New Deal into existence through the U.S. Department of Transportation. Florida will always fight for freedom and against the federal government's unlawful efforts to control the American people."

Florida Department of Transportation Secretary Jared W. Perdue, P.E. said, "FDOT has continued to voice concerns about the rule for well over a year, yet never received complete answers before the rule was finalized—clearly showing it was done to push the federal government's agenda for the Green New Deal and is not reflective of a collaborative effort from states across the country. Operating in this manner is irresponsible and reckless, which is why Florida proudly stands united with these other states to safeguard the freedoms that this nation is so well known for."

In the complaint filed today in federal court, Attorney General Moody and a 21-state coalition of attorneys general assert that DOT's Federal Highway Administration overstepped its legal authority. The coalition writes, "Congress has not given FHWA or USDOT authority to regulate greenhouse gas emissions ('GHG'). Nor can the Agencies compel the States to administer a federal regulatory program or mandate them to further Executive policy wishes absent some other authority to do so—which is lacking as to this rule."

The action also makes clear that the proposed measure violates the principles of federalism by requiring states to implement a federal regulatory program. The complaint explains: "The Constitution is also clear that action by the States cannot be mandated through federal action like the Final Rule. 'The Federal Government may not compel the States to enact or administer a federal regulatory program.' [because] 'the Constitution protects us from our own best intentions: It divides power among sovereigns and among branches of government precisely so that we may resist the temptation to concentrate power in one location as an expedient solution to the crisis of the day.'" Accordingly, "[e]ven if Congress believed the Final Rule was the best means of reducing CO2 in order to address climate change, the States could not be directed to implement the policy choices of the federal government."

Further, the attorneys general note that FHWA previously issued a similar rule, soon repealed after the agency determined that the measure may duplicate "existing efforts in some States" and imposed "unnecessary burdens on State DOTs and MPOs [metropolitan planning organizations] that were not contemplated by Congress."

In addition to Attorney General Moody, the following states signed onto the complaint: Alabama, Alaska, Arkansas, Idaho, Indiana, Iowa, Kansas, Kentucky, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Utah, Virginia, South Carolina, South Dakota, West Virginia, and Wyoming.

Read the complaint [here](#).

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