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CITIZEN ACTION DEFENSE FUND INITIATES LAWSUIT CHALLENGING LAW AND RULES THAT WILL BAN THE SALE OF CARS AND TRUCKS THAT RUN ON GASOLINE BY 2030

Olympia, Washington — March 8, 2023 —Today, the Citizen Action Defense Fund (CADF) announced it initiated a lawsuit filed by two business owners against the Governor’s office, the Department of Ecology, the state Legislature, and the State of Washington challenging a law and agency rules that would effectively ban the sale of cars and trucks with internal combustion engines. CADF retained experienced outside counsel Joel Ard and David DeWolf to litigate the matter.

In 2020, the state Legislature passed a law that required the Department of Ecology to adopt whatever rules would later be adopted by the California Air Resources Board (CARB). Ecology in effect gave a blank check to this unelected board from another state to dictate policy for Washington State. In 2022, CARB adopted a rule that will have the effect of banning the sale of all internal combustion engine passenger vehicles in Washington State in seven years.

The 2020 law violated the state constitution, which permits the Legislature to delegate rulemaking authority only when it gives clear guidelines and permits meaningful judicial review. In addition, Ecology’s rules do not even comply with federal environmental laws and the 2020 statute. If the court agrees that Ecology’s rules (and their restrictions on vehicle sales in 2030) do not comply with existing law, they will be declared void, and unenforceable.

“The State Legislature cannot outsource its lawmaking to an unelected board of another state. Washingtonians deserve to have vital issues decided by open votes so that legislators and the governor can be held accountable at the ballot box. The rules passed by Ecology sidestep this basic constitutional right.” said Jackson Maynard, Executive Director of CADF. “At a minimum, our state government should have to explain to the people here why banning gas powered vehicles in seven years is a good idea and listen to their thoughts and criticisms. Basic good governance means citizens shouldn’t have to go to Sacramento to be heard on matters that should be decided in Olympia.”

CADF is an independent, nonprofit organization based in Washington State that supports and pursues strategic, high-impact litigation in cases to advance free markets, restrain government

overreach, and defend constitutional rights. The government watchdog nonprofit files lawsuits, represents affected parties, and intervenes in cases when the state enacts laws that violate the state or federal constitutions, when government officials take actions that infringe upon the First Amendment or other constitutional rights, or when agencies promulgate rules in violation of state law.

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