

Essay on law

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Legal Brief of Case: Green Mountain Plymouth Dodge Jeep v. Crombie

Summary of key facts: In this court case, the plaintiffs were individual vehicle manufacturers known as Alliance of Automobile Manufacturers together with some other car dealerships residing in Vermont State. The defendants were Vermont State agencies, particularly the Vermont Agency of Natural Resources secretary George Crombie. Crombie agency had been pushing for the adoption of state regulation acts that were aimed at curbing the emission of greenhouse gases from motor vehicles. The state agencies of Vermont actually wanted to adopt similar standards of green house emissions like those established by similar agencies in the state of California. One is that the plaintiffs claim that the body charged with establishing rules and regulations pertaining to motor vehicle safety and emissions that is the National Highway Traffic Safety Administration, has clearly set some economic fuel standards particularly for new vehicles. Therefore, Vermont's new green house gases regulations would indeed be against the stipulations of the national body since car owners would have to find fuel alternatives that have different standards to those established by the national body. The plaintiffs also claimed that adhering to the new state regulations would indeed render them bankrupt. However, the green house regulation efforts by the Vermont state agencies could be viewed as being complementary to the federal government's initiatives that are aimed at curbing global warming. This ultimately created a dilemma for the judge in identifying who should be charged with establishing green house gases regulations. The plaintiffs claimed that the federal government regulations overrule those of

state agencies.

The issue: Whether or not the regulations of the national body that is the National Highway Traffic Safety Administration, specifically the EPCA Act of 1975 preempt the regulations of green houses by the Vermont State Agency.

The holding: The Vermont Federal District court ruled in favor of the defendants therefore upholding the greenhouse gas emissions regulations.

The presiding judge did not agree with the plaintiffs claims that standards set by the new emissions regulation were conflicting with national EPCA Act. Further, the judge also made a ruling stating that the new green house emissions standards set by Vermont authorities did not actually make any interference with the President's and the Congress's power on foreign policy.

Summary of my reasoning: I agree with the court's decision to uphold the Vermont Green house gases emissions because under solid legal basis, the Vermont state have every constitutional right to enact such regulations . The most pertinent issue in this case is the determination of whether the EPCA Act established in 1975 by the National Highway Traffic Safety Administration is preempts various acts passed by state agencies. I think that the state agencies have every right to compose their own environmental regulations act but should however do this while giving credence to the acts of the national body. In addition, although most of the Congress decisions supersede state decisions, a decision like air pollution has traditionally been a responsibility of state administration even before the Clean Air Act (CAA) was established. Another aspect that I feel let the

plaintiff down was the claim that adhering to the new state regulations would indeed render them bankrupt. Personally, I think that this exaggeration. Since time, immemorial, there has absolutely been no incidence of bankruptcy in the American nation that has arisen from adherence to environmental laws and regulations. In fact, only a small financial strain is felt in most cases.

Works Cited

Miller, Miller, Roger L. and Gaylord A. Jentz, Business Law Today Essentials. 9th edition. Thomson/South-Western 2008. ISBN 9780324786156