For Immediate Release

Attorney General Taylor Joins 21-State Coalition Challenging Biden Administration’s Unlawful Climate Mandate

December 21, 2023 (Anchorage, AK) – Attorney General Treg Taylor joined a 21-state coalition challenging the Biden Administration’s latest extreme climate rule, which mandates that states with federal interstates and highways must adopt stringent CO2 emissions standards. The attorneys general argue that Congress has not given the Department of Transportation the authority to regulate greenhouse gas emissions.

“Biden has made repeated attempts to use federal agencies to carry out his wishes when the law doesn’t support his extreme green agenda,” said Alaska Attorney General Treg Taylor. “In this instance, like so many before it, a federal agency not only overstepped its boundaries by creating this mandate but sought to force states to enforce the mandate. Alaska will continue to fight all Biden administration efforts to bypass Congress, the Constitution, and the law.”

The Kentucky-led coalition asserts that USDOT’s Federal Highway Administration (FHWA) overstepped its legal authority. The coalition writes, “Congress has not given FHWA or USDOT authority to regulate greenhouse gas emissions. 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 coalition 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, “even 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Further, the attorneys general note that FHWA previously issued a similar rule, which was repealed after the agency determined that the measure may duplicate “existing efforts in some States” and imposed “unnecessary burdens on State DOTs and MPOs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.”

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