

U.S. court hears Mexican trucks environmental case

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WASHINGTON (Reuters) - Mexican trucks should be allowed on U.S. highways without requiring a federal agency to conduct an elaborate environmental analysis, a Justice Department lawyer told the Supreme Court Wednesday.

Deputy Solicitor General Edwin Kneedler said a U.S. appeals court ruling that required the environmental review was wrong and had frustrated President Bush's ability to comply with the North American Free Trade Agreement.

Bush in November 2002 said Mexican trucks would be allowed throughout the country, which would bring the United States in compliance with a key provision of the trade agreement.

The move would end a 1982 moratorium under which Mexican trucks have been able to operate only in certain narrow commercial border zones, where goods must be transferred to U.S. trucks for transport across the nation.

Environmental, labor, consumer and trucking groups sued, and the San-Francisco-based appeals court ruled the Department of Transportation should have done an environmental impact statement.

Kneedler said that Bush in moving to lift the moratorium in 2002 had determined that "expeditious action" was required.

He said the agency had done an initial environmental analysis and determined a full-blown environmental study would not be required.

Mexican trucks make about 4.5 million border crossings each year, according to the U.S. government. Mexico has said it has suffered billions of dollars in economic damages from the moratorium.

The groups said the Transportation Department underestimated the impact older diesel Mexican trucks would have on air quality in border states, especially in cities like Houston and Los Angeles that have struggled to reduce pollution to comply with the federal clean air law.

Jonathan Weissglass, who argued on behalf of the groups that brought the lawsuit, faced skeptical questions from a majority of the justices.

Chief Justice William Rehnquist said the appeals court's ruling "seems a very doubtful proposition."

Justice Antonin Scalia said the Transportation Department's job was to be a safety regulator. He questioned why the agency should have to do an environmental review

just because it had decided Mexican trucks were safe to enter the country.

Justice David Souter said the agency had discretion over trucks, based on safety, not environmental, factors. He questioned whether the groups sought to "find a safety hook" to keep out older trucks to minimize environmental damage.

A ruling in the case is due by the end of June.

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