

TESTIMONY BEFORE THE ENVIRONMENT AND PUBLIC WORKS  
COMMITTEE

UNITED STATES SENATE

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Madame Chairman, members of the Committee.

I am Carl Pope, the Executive Director of the Sierra Club. The Sierra Club is America's oldest and largest grass-roots environmental advocacy organization, with 1.3 million members and supporter households in every community in the United States.

I have been working on Clean Air Act issues since the spring of 1970, when I was one of the lobbyists who worked with Senator Muskie and President Nixon's Administration to enact the original version of this legislation.

On December 19, EPA Administrator Stephen Johnson denied California's application for permission to implement the state's pioneering vehicle air pollution standards for carbon dioxide.

I think it is fair to say that in the intervening 37 years, no Administrator of the Environmental Protection Agency has issued a decision which more flagrantly violated the clear language and intent of the Clean Air Act, or more fundamentally threatened the American people.

Furthermore, it is abundantly clear the Bush Administration fully and profoundly understands precisely what it is doing. This is not a matter of conflicting interpretations of the facts or the law. It is a conscious, intentional dereliction of duty.

That is a serious charge. So I will let the Administration impeach itself.

I start with a table from the State Department.

<http://www.state.gov/documents/organization/89641.pdf>

This is from the December Fourth Climate Action Report submitted to the United Nations Framework Convention on Climate Change which met in Nusa Dua, Bali. You will note that it lists the 11 states which as of that date had adopted the California Clean Car standards in a column entitled, "states are implementing a wide range of policies and measures to achieve the multiple benefits of minimizing their GHG emissions, encouraging the development of cleaner energy sources, and achieving air quality goals."

Let me quote from that report: "On pages 52 and 53, the Climate Action Report says that states are taking "a variety of steps that contribute to the [administration's] overall GHG intensity reduction goal." Among the contributing state actions specifically listed in Table IV-1 is California "Vehicle GHG emission standards." The table lists the 11 states that (at the time) had adopted them."

A slight variant on this slide was presented at Nusa Dua in a public session held by the US delegation, and chaired by James Connaughton, the Chair of the Council on Environmental Quality. Mr. Connaughton's presentation, the bulk of which is attached to my presentation, made a number of striking points:

- 1) To achieve a 50% reduction in business as usual CO2 emissions, the world will, at a minimum, need to find 25 gigatons of reductions of projected emissions of CO2.
- 2) Such a reduction is greater than the TOTAL of projected advanced economy emissions in 2050.
- 3) To achieve a single gigaton of emission reductions the world must replace 273 million new cars at 40 miles per gallon (mpg) instead of 20 mpg.

Earlier that morning, Mr. Connaughton told me, directly and personally, that in his view and the Administration's, the fuel economy compromise which was pending in Congress was progress, but "insufficient."

He then told the entire world that one of the pieces of evidence of American "leadership" on climate change, evidence that we were getting "real results," was that eleven states had adopted California's clean car standards. The slide he presented actually quantified the carbon dioxide emissions which adopting California's standards would achieve, and took credit for them.

I wish I could present that actual slide to the Committee today. Unfortunately, while the remainder of Mr. Connaughton's presentation can be obtained from the Administration, and was obtained by Committee staff, and is attached to my testimony, the slide discussing state initiatives, while presented in the December 4<sup>th</sup> report, and shared with the world in Bali, is no longer a part of the Administration's story line.

That's too bad.

Because, indeed, as Mr. Connaughton said at the UN Conference, what is needed to solve this problem and protect our country is for every segment of American society – individuals, cities, counties, businesses, states and the federal government – to adopt "a wide range of policies and measures to achieve the multiple benefits of minimizing their GHG emissions, encouraging the development of cleaner energy sources, and achieving air quality goals."

This is exactly what California did when it adopted the Clean Car Standards. This is what fifteen other states did or were doing by also adopting the California standards. Together, these states account for more than 40% of new vehicle sales and nearly one-half of the U.S. population. They are poised to transform the vehicle market in this country and the world. And nothing they are requiring

will impede any automobile manufacturer from complying with the requirement of newly established federal fuel efficiency standards.

Indeed, by complying with the California clean car standards auto companies will be getting a head start on meeting their later federal fuel efficiency standards – and this approach, of finding policies which achieve **multiple benefits – in this case clean air and fuel efficiency** – with parallel federal and state actions – is precisely what the Administration called for in its December report.

Administrator Johnson's decision simply throws away a tremendous opportunity to help solve the global warming crisis.

As others will describe, his decision has absolutely no legal basis whatsoever. But leaving aside the legal issues, what possible policy benefits might result from the Administrator's refusal to allow California to proceed?

One, which the Administration's rhetoric implies, is if the California standards were, indeed, incompatible with the new federal fuel economy standards. To date the Administration has offered neither evidence nor logic to support such a concern – for the simple reason that they have nothing to offer.

A second is if the California standards accomplished nothing more than what the new federal CAFÉ rules will yield. You have received information from the California Air Resources Board showing the contrary – that the California standards will achieve pollution reductions that are three times as large cumulatively by 2020 as those which result from the fuel efficiency rules alone.

How important is this? Well, to reduce carbon dioxide pollution by a gigaton the Administration has told us requires replacing 273 million 20 mpg vehicles with 40 mpg vehicles. Congress required only 35 mpg, which means that CAFÉ alone will save a gigaton of CO<sub>2</sub> pollution only after we have replaced 312 million vehicles. So the "compromise" that the Congress accepted, the compromise that Mr. Connaughton told me was inadequate, raises the ante to save a gigaton of carbon dioxide by 39 million vehicles.

What would have happened if the Administrator had done what the Clean Air Act required, and granted California's waiver?

Imagine that only the 40% of the US auto market currently adopting the California standard complies. That step alone would get us to a 40 mpg average, saving the emissions from those 39 million vehicles. But if the auto industry decided, as most observers suspect it would, to produce all of its vehicles to these clean air standards, then it would take only 248 million cars to save a gigaton of pollution – 64 million fewer vehicles than it takes to save a gigaton under the new CAFÉ law alone.

The final policy reason for rejecting the California waiver would be if we didn't need to make this further progress. Does the Administration believe this? Evidently not. For last October the President's Chief Science Advisor, John Marburg, stated clearly that in his view preventing an increase in global temperatures of greater than 2% Fahrenheit was going to be "extremely difficult."

Madame Chairman, members of the Committee, let me close with this comment:

The California Clean Car standards are consistent with the Clean Air Act, and the Administrator's lawyers have told it so.

They are consistent with the Administration's commitments to the world in Bali, and to the Administration's stated policy of favoring measures which achieve multiple goals at once.

The Administration has conceded that the Congressional CAFÉ program is inadequate.

The Administration has conceded that to avoid runaway climate change we need to deploy every cost effective measure we have available.

They are inconsistent with only one thing: the Administration's apparent desire to hand the climate crisis on to its successor unchecked.

This is an example not only of lawlessness, but of horrendous, horrendous irresponsibility.

Thank you very much.

