

Challenge to California emissions rules dropped

House committee abandons effort to pre-empt states

[Zachary Coile, Chronicle Washington Bureau](#)

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Two senior House Democrats -- facing opposition from their party's top leader, House Speaker Nancy Pelosi -- have abandoned their legislative effort to block California and a dozen other states from regulating greenhouse gases from cars and trucks.

Rep. John Dingell, the Michigan Democrat and close ally of the auto industry, and Rep. Rick Boucher, a Virginia Democrat and lead author of new energy legislation, had been locked in a weeks-long showdown with Pelosi over their proposal to prevent states from setting tougher climate change rules than the federal government.

On Monday, they blinked -- for now.

The pair sent a memo on Monday to members of the House Energy and Commerce Committee, saying they would soon release a final version of the Democratic energy bill that would not contain the proposal to pre-empt California and other states from their plan to cut greenhouse gases. Other contentious provisions also would be dropped, the lawmakers said.

"You will note that a number of the more controversial issues we raised, such as coal-to-liquid fuels, fuel economy standards, a low-carbon fuel standard, various mandates, and the role of federal and state programs, are not included," Dingell, the committee chairman, and Boucher wrote in the memo.

Those issues will return -- perhaps for another clash -- as soon as this fall when Pelosi has said she wants the House to consider a more comprehensive global warming bill.

"This will also give us the needed time to achieve consensus on these issues if at all possible," Dingell and Boucher told their colleagues.

The state pre-emption had been vehemently opposed by environmentalists and California officials, including Republican Gov. Arnold Schwarzenegger, who warned that Congress was threatening to strip the state of its longtime power -- based in the federal Clean Air Act -- to set the nation's most aggressive standards on air pollutants.

California Democratic Sen. Barbara Boxer, chairwoman of the Environment and Public Works Committee, praised the decision of the two House lawmakers to back down. She

and Sen. Dianne Feinstein, D-Calif., had vowed to use their leverage to defeat the proposal if it ever reached the Senate.

"It never should have been in there in the first place," Boxer said in a statement. "The federal government should be leading the fight against global warming, not standing in the way of pioneering states like California."

Pelosi did not revel in her victory. Her spokesman issued a terse one-line statement saying the speaker was still not yet sure how she would proceed with the overall bill.

"The speaker and chairman Dingell are continuing discussions on his proposal," spokesman Drew Hammill said, "but the speaker has made no decisions at this time."

House lawmakers are working under deadline pressure. Pelosi has pledged to have what she termed an energy independence bill passed before the July 4 recess, and Democrats on both sides of the fight over California's emissions law said they fear appearing to be in disarray over the bill.

But the move by Dingell and Boucher to put off the most contentious issues also raises problems for Democrats. The Senate is debating its version of the energy bill, whose centerpiece is a major increase in federal fuel economy standards. If the House delays its fuel efficiency provisions until the fall, it could stymie efforts to move a joint energy bill through Congress this summer to send to President Bush.

Still, environmentalists are pleased the state pre-emption plan is off the table, at least for now.

"Chalk this one up as a big victory for House Speaker Nancy Pelosi," said Frank O'Donnell, president of Clean Air Watch. O'Donnell said the proposal was cooked up by the auto industry, which has been fighting California's vehicle emissions rules in court in three states.

Bill Becker, executive director of the National Association of Clean Air Agencies, said the decision to shelve the proposal will help protect the rights of states to clean up their air.

But Becker added it is too soon to tell if Dingell -- who fought California lawmakers over the state's efforts to regulate tailpipe emissions through much of the 1980s -- has given up or is just taking a temporary break in the fight before renewing the battle in the House this fall.

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Energy bill hurdle is set aside

Some House Dems tried to thwart state's anti-warming law.

By David Whitney - Bee Washington Bureau

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House Democrats seeking to scuttle California's tough global warming law said Monday they are willing to postpone that battle until fall in the interests of moving "consensus" energy legislation this month.

The announcement by House Energy and Commerce Committee chairman Rep. John Dingell, D-Mich., and Rep. Rick Boucher, D-Va., came after a meeting Friday between Dingell and House Speaker Nancy Pelosi, D-San Francisco.

Boucher, chairman of the committee's energy and air quality subcommittee, drafted energy legislation that would have pre-empted California's law to cut carbon dioxide emissions from cars and trucks.

The legislation, also endorsed by Dingell, revealed opposition to California's emission standards from states tied to the automobile, oil and coal industries.

Pelosi's office was not rushing to praise the announcement by Dingell and Boucher and withheld any commitment to bring up a scrubbed version of the bill on the House floor. "The speaker and Chairman Dingell are continuing discussions on his proposal, but the speaker has made no decisions at this time," said Drew Hammill, Pelosi's deputy press secretary.

But Rep. Henry Waxman, D-Los Angeles, a senior member of the energy committee, said the decision "keeps us from going backwards" on global warming.

Frank O'Donnell, director of the environmental group Clean Air Watch, characterized the announcement "as a big victory for House Speaker Nancy Pelosi."

The draft legislation was denounced by California lawmakers, attorneys general from more than a dozen states, Gov. Arnold Schwarzenegger and ultimately by Pelosi herself. It would have not only pre-empted California law, but overturned a recent U.S. Supreme Court decision giving the Environmental Protection Agency the authority to regulate greenhouse gas emissions.

"Any proposal that affects California's landmark efforts to reduce greenhouse gas emissions or eliminate the EPA's authority to regulate greenhouse gas emissions will not have my support," Pelosi said in a June 5 statement condemning the draft legislation.

Schwarzenegger last week threatened to sue the federal government to permit California to move forward with its vehicle emissions standards.

California is the only state permitted under the Clean Air Act to have tougher laws than the federal government to control air pollution. But to do so it must have a waiver from the federal government.

The draft energy legislation by Boucher and Dingell also included provisions intended to increase the use of coal. It was denounced by environmental groups as a retreat on combating global warming. Burning coal is a leading source of carbon dioxide emissions.

In a memo released late Monday, the two congressmen said they were dropping the controversial provisions from the bill and "have decided to proceed with provisions that represent consensus." But they did not say they were giving up on the disputed issues, including "various mandates, and the role of federal and state programs."

"These issues are important, and we are committed to addressing them and others when we take up comprehensive climate change legislation this fall," they wrote in a joint memo. "This will also give us the needed time to achieve consensus on these issues if at all possible."

The dispute among Democrats, who control the House, had stopped the energy bill dead in its tracks. But with the controversial provisions removed, the two committee leaders said they will move swiftly to wrap up the bill within two weeks.

"This procedure for considering energy legislation at this time was discussed with the speaker, and she understands the rationale for proceeding this way so that we can rapidly complete work on a bipartisan bill that can be signed into law," Boucher and Dingell said in the memo.