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SPEAKER OF THE HOUSE

Vice Chair;
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Legislative Council
Member:
Legislative Council Committee

May 30, 2007

Stephen L. Johnson
Administrator, Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

Re: California's appeal for a waiver to implement its emissions standards

Dear Administrator Johnson:

Thank you for the opportunity to submit written testimony to the Environmental Protection Agency (EPA) as it considers California's appeal for a waiver to cut pollution from motor vehicles. I urge the EPA to grant the waiver. California, like other states across the nation, has a legal right to protect its economy, its natural resources, its citizens' health, and most of all, its future.

The United States has a clear choice when it comes to climate change: We take action or we do not. It's clear the latter is no longer an option. Too much is at stake. The scientific debate is over.

However, the federal government has been slow or unwilling to act on climate change. In response, several states have moved forward with laws to cut greenhouse gases. California has been the leader. In 2002, it passed legislation requiring cars and light-duty trucks to limit emissions that contribute to global warming. Since then, 11 other states have adopted the California tailpipe emissions standards.

The Clean Air Act expressly grants states with poor air quality the right to either comply with federal vehicle emission standards or adopt more protective standards. If stronger laws are passed, though, the EPA must approve a waiver. California applied for its waiver in late 2005, and considering it meets all the necessary criteria, there is no reason for the EPA's delay.

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First, the California standards are at least as protective of public health and welfare as the federal standards. In fact, the federal government has not even set global warming emission standards for vehicles.

Second, it is clear that California continues to face “compelling and extraordinary conditions” that justify the need for separate state standards. Climate change poses a clear and present danger to the state’s economy, environment and public health. Without action, air quality will worsen, water supplies will be in jeopardy and important ecological systems will suffer damage from which they may not be able to recover.

Third, under law the EPA can deny California’s waiver request if it finds that the state standard is “arbitrary and capricious”— that there’s no rational connection between the facts and the choice made. In this case, California acted based upon the facts — that cars and SUVs are a major contributor to global warming pollution — and reasonably went after the source.

California and the other states account for more than one-third of the U.S. auto market. According to an analysis by the U.S. Public Interest Research Group, by 2020 the cumulative emissions reductions achieved by the 12 state programs will be equivalent to taking 74 million of today’s cars off the road for an entire year. This would be a huge step forward. It is the type of step we need to take if we are to avoid the most damaging effects of global warming.

Finally, California’s standards are feasible and cost-effective. They can be met with technology already available in the marketplace and will save consumers money in operating costs, especially during spikes in gas prices, over the lifetimes of the vehicles. The standards give automakers flexibility to apply any technology they choose to reduce global warming emissions, including production of vehicles that use lower carbon fuels.

While Colorado has yet to pass a similar “Clean Cars” program, we want to protect our right to set strong air quality standards if we choose. The tourism sector, spread across the state, employs 200,000 people. It is heavily dependent on snow, flowing rivers, fresh air and healthy lands. Climate change poses a direct threat to all of the above.

The federal government’s failure to approve California’s waiver 18 months after it was requested is a decision to place special interests ahead of the American people. I strongly urge the EPA to stop stalling, obey the Clean Air Act and implement the recent U.S. Supreme Court decision, which found that the agency cannot sidestep its authority to regulate greenhouse gases that contribute to climate change. Immediately granting California’s waiver would be a good start.

With Respect,



Andrew Romanoff
Speaker of the House