

Opening Statement: Hearing on “Examining the Case for the California Waiver”

July 26, 2007

Posted by [Matt Dempsey](#) (10:30am ET)

SENATOR INHOFE OPENING STATEMENT "Examining the Case for the California Waiver"

Madame Chairman, I am disturbed that we are having this hearing today. Just two months ago, we had a hearing on this. And shortly before that, Administrator Johnson told Members of the Committee that EPA would conduct a thorough process to make a decision in an expeditious and timely manner. EPA has met this commitment so far and there is no indication that it will not continue to do so.

In making a decision of this magnitude, it would be improper for EPA not to involve the public and formally solicit notice and comment. It has done so. EPA intended to close the public comment period on June 15th. It did so.

EPA has received more than 60,000 comments. While some of these are what I call “postcard comments” that provide us no information of any value other than knowing how effective special interests are in their fundraising efforts, many are very technical and very substantive. EPA needs to read them, assess them, and compare them. It needs to: investigate the issues raised by California thoroughly; analyze each and every document California relies upon; review supporting comments that may add new information California did not include; examine each argument raised in opposition to granting the waiver; determine the most relevant arguments and points that need to be taken into account in making the final decision; determine the ramifications of its decision; and then... *and only then*... EPA needs to make a decision.

It has been just over a month since the comment period closed. One month, Madame Chairman! With what the EPA must go through, I would be highly disturbed if EPA said that it planned to make a decision before the end of the year. Rushing this process is unacceptable. In fact, it would be arbitrary and capricious – in law and in fact. Mr. Administrator, I expect you to fully deliberate this important issue so that all the facts and considerations are taken into account.

I’m having trouble understanding the need for this waiver. One of the prerequisites for granting this waiver is that it is needed in California to meet “compelling and extraordinary conditions.”

Among the problems California listed that would occur from global warming are that higher temperatures will bring increases in heat waves, droughts, forest fires, flooding and smog, and harm to the State’s water supplies and agricultural productivity.

There is one small problem with all of that – California is not experiencing global warming; the State is experiencing global cooling. In fact, temperatures in California are lower today than average temperatures since the beginning of the 20th Century.

I want to draw your attention to this chart of California 's temperatures over the last two decades. As you can see, temperatures have trended downward at 0.12 degrees Fahrenheit. If this were to continue through the remainder of this Century, California 's temperatures would decline by more than one degree.

Exactly where is the harm that is compelling and extraordinary? California's actual temperatures may inconveniently vary from the models, but if the models show California should have warmed, and in fact it has been cooling, shouldn't we view these estimates of future warming with somewhat of a jaundiced eye.

A bill has been introduced that would force you, Mr. Administrator, to approve or disapprove a waiver request within 30 days. I assume supporters hope EPA will rubber-stamp all future requests on the basis that EPA has not denied a waiver before. Two major reasons for this are that California 's standard has always been confined to addressing local problems and has been more protective than federal standards.

But this is not a local issue, it is a global one and California has shown no harm. As this chart I've showed you demonstrates, if anything California is experiencing cooling, not warming.

Also, unlike past waivers, it appears this time California 's waiver request would not result in more protective standards. I ask that this report by NERA economic consulting be placed in the record. It concludes California 's light duty vehicle regulations are less protective than federal regulations. If that is the case, Mr. Administrator, you cannot grant this waiver. And if serious economic modeling finds this is the case, you had better have far more detailed economic modeling with far different conclusions before you were to grant a waiver.

In fact, I believe that if the legislation were to pass, you would be compelled to deny the waiver.

Thank you.