

FOR IMMEDIATE RELEASE:

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Perata: California Can Force Reductions in Automobile Greenhouse Gas Emissions Even Without Federal Approval

(SACRAMENTO) – Senate President Pro Tem Don Perata (D-Oakland) sent a letter today to the California Air Resources Board asking it to regulate reductions in automobile greenhouse gas emissions under AB 32. The measure allows for the state to act, even if the federal government relents.

The full text of the letter follows.

December 20, 2007

Mary Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Options to Remedy Denial of California Request for Waiver under Federal Clean Air Act to Achieve Emission Reductions Required under AB 1493 (Chapter 200 Statutes of 2002)

Dear Chairwoman Nichols:

I am writing in response to US EPA Administrator Leavitt's action yesterday to deny California's request for a waiver under the federal Clean Air Act (42 USC Sec. 7401 et seq.) so that California may implement its so-called AB 1493 motor vehicle standards for the reduction in greenhouse gases.

I share the outrage expressed by the Governor, the state Attorney General, and others over this misguided action, and strongly support the state's efforts to reverse it through the federal courts, both on our state's behalf and for the other states which have followed its lead.

However, in addition to pursuing legal remedies, there exists a clear statutory and administrative remedy in the hands of your board and the Administration to achieve these emission reductions. Unlike federal litigation, which could take months or years to resolve (and several years beyond that to achieve emission reductions), this remedy can

be implemented in time to begin to achieve the reductions originally contemplated by the state Legislature under AB 1493.

Fortunately, the California Legislature anticipated the potential for delay of the AB 1493 vehicle regulations last year when it enacted AB 32 (Chapter 488 statutes of 2006). Specifically, Health and Safety Code Section 38590 directs the ARB to “backfill” or make up for any loss of emission reductions under AB 1493 through the adoption of alternative regulations. That section of law reads as follows:

“38590. If the regulations adopted pursuant to Section 43018.5 [i.e. AB 1493] do not remain in effect, the state board shall implement alternative regulations to control mobile sources of greenhouse gas emissions to achieve equivalent or greater reductions. [Emphasis added]”

This requirement, along with the suite of authorities given to the ARB under AB 32, appears to provide ample basis for the board to reduce vehicle pollution through means other than the AB 1493 regulations to reduce GHGs from mobile sources. The benefits of acting now to implement this section are manifold: it would result in a more immediate reduction in GHG pollution and also may help reduce criteria pollutants and toxic air contaminants as required under California law.

As you know, there are numerous proposals both within and outside of the Legislature to promote reductions in auto emissions through efficient car purchase incentives, smart growth investments, increased transit usage and other means. Local governments from San Francisco to New York have proposed small GHG mitigation fees and other measures to reduce vehicular pollution. Any one, or a combination, of these approaches could be employed by the board under Section 38590.

I urge you and your board members to act with appropriate speed and creativity under Section 38590 to ensure the pollution reductions required by law for vehicular sources are met. I would further request that you respond to this letter by providing my office with information on those steps the board will take to comply with the law and achieve the “equivalent or greater emission reductions” as required under AB 32.

Sincerely,

DON PERATA
Senate President pro Tempore

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