

News & Alerts

Brown Blasts EPA Decision

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WASHINGTON DC--California Attorney General Edmund G. Brown Jr. today blasted the United States Environmental Protection Agency's rejection of California's request to impose greenhouse gas emissions limits on motor vehicles.

"It is completely absurd to assert that California does not have a compelling need to fight global warming by curbing greenhouse gas emissions from cars," Brown said. "There is absolutely no legal justification for the Bush administration to deny this request—Governor Schwarzenegger and I are preparing to sue at the earliest possible moment."

Under the Clean Air Act, California can adopt stricter standards by requesting a waiver from EPA and such requests have been approved more than 50 times in the past. California's law requires a 30 percent reduction in greenhouse gas emissions standards from motor vehicles by 2016.

Sixteen other states—Arizona, Colorado, Connecticut, Florida, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington—have adopted, or are in the process of adopting California's emissions standards

Approval of California's waiver would have meant that other states get approval automatically.

Congress passed the Clean Air Act in 1963 and subsequent amendments in 1967, 1970 and 1977 expressly allowed California to impose stricter environmental regulations in recognition of the state's "compelling and extraordinary conditions," including topography, climate, high number and concentration of vehicles and its pioneering role in vehicle emissions regulation. Brown said Congress intended the state to continue its pioneering efforts at adopting stricter motor vehicle emissions standards, far more advanced than the federal rules.

Section 307 of the Clean Air Act gives California the authority to challenge a waiver decision by the US Environmental Protection Agency. The state must file a petition to review the EPA's waiver decision within 60 days after it is published in the Federal Register.

Earlier this month the U.S. District Court in Fresno concluded that both California and the United States

Environmental Protection Agency are equally empowered under the Clean Air Act to set regulations limiting greenhouse gas emissions from motor vehicles. The court also ruled that California regulations do not conflict with federal authority.

Under the Clean Air Act, California can adopt stricter emissions standards than the federal government—thereby allowing other states to also adopt the standards—but the state must first obtain a waiver of federal preemption from the Environmental Protection Agency. California filed its request in December 2005 and has been awaiting a response ever since.

There are 32 million registered vehicles in California, twice the number of any other state. Cars generate 20% of all human-made carbon dioxide emissions in the United States, and at least 30% of such emissions in California. If California's landmark global warming law—and the corresponding 30% improvement in emissions standards—were adopted nationally, the United States could cut annual oil imports by \$100 billion dollars, at \$50 per barrel.