



National Environmental Trust

CALIFORNIA AUTO STANDARDS AND STATE EFFORTS TO CURB GLOBAL WARMING POLLUTION FROM CARS AND LIGHT TRUCKS

The California Auto Emissions Program and States' Rights

The Clean Air Act allows California to adopt motor vehicle emissions standards that are more protective than federal minimum standards. The Act also allows other states to adopt the California standards. Congress wrote these Clean Air Act provisions in order to give states the freedom to implement the clean air programs they need to protect public health from air quality problems not solved by federal standards alone.

California has implemented a number of public health safeguards to clean up automobile pollution in the state. In 2002, the state legislature passed a bill authored by Assemblywoman Fran Pavley to add a global warming-related component to the state's clean car program.¹ California has now developed regulations to implement the global warming law by reducing greenhouse gases from new vehicles by 22% by the 2012 model year and 30% by the 2016 model year.²

Transportation accounts for nearly 26% of total U.S. greenhouse gas emissions. Between 1990 and 1999, those emissions grew by 18%³, even though automobile technologies have been available to cut these emissions without sacrificing performance.⁴ Yet, until now the federal government has failed to require automakers to use these cleaner technologies.

States are Showing Leadership

With nearly 160 million people nationwide living in areas with unhealthy air quality for smog,⁵ states need every tool available to them to protect their citizens from illness and help stabilize our climate. That is why many states have already adopted California's low emission vehicle standards and ten have adopted global warming measures as well. In all, Connecticut, Massachusetts, Maine, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington are already moving forward with greenhouse gas reduction measures for cars and light trucks.

The Feds and Automakers are Trying to Prevent Progress

Unfortunately, clean air opponents are working to erode states' ability to protect their citizens from air pollution and global warming. In particular, automakers – with Administration and some Congressional support – are pushing to eliminate California's right to set more protective rules for vehicles, as well as the option for other states to adopt the California rules.

- A November 2003 appropriations rider eliminated the ability of every state but California to adopt stronger emissions controls for certain off-road engines, which are a major source of ozone and toxic air pollution in many parts of the country.

- A January 2003 appropriations rider called on the National Academy of Sciences to conduct a study of the practices used by states to set vehicle emissions standards, and the cost to industry of complying with such standards. The NAS panel includes one of the foremost opponents of state authority. That study is nearly complete, will be released by the end of 2005, and could be used by some to call for the elimination of states' authority to adopt more protective public health safeguards.
- In December 2004, the Alliance of Automobile Manufacturers – representing GM, Ford, DaimlerChrysler, Toyota, and others – filed suit in state and federal courts in Fresno to block California from implementing its vehicle global warming pollution regulation.
- An August 2005 Department of Transportation regulatory proposal on light truck fuel economy included preamble language attempting to preempt state authority under the Clean Air Act. This language was immediately cited by automakers in a supplement to their 2004 lawsuit against the California Air Resources Board for its adoption of automobile greenhouse gas standards.
- In September 2005, automakers filed another lawsuit against a state adopting global warming measures for vehicles, this time in Oregon.

Global Warming Won't Wait – The Time for Action is Now

Global warming pollution has already caused average worldwide temperatures to increase by about 1 degree Fahrenheit over the last century.⁶ Scientists say that unless global warming emissions are reduced, average temperatures could rise another 3 to 9 degrees Fahrenheit in the United States by the end of the century — with far-reaching effects including sea level rise, flooding, more intense storms, heat waves, more droughts and wildfires, species habitat shifts, and worsened air pollution.⁷

These changes have already begun. In the absence of federal leadership, many states have become vital champions of our air quality and climate. Thanks to the Clean Air Act, states are not hamstrung by weak federal measures. With vehicles contributing significantly to this country's global warming pollution, it is imperative that states not be restricted in their ability to avail themselves of more protective auto emissions standards.

¹ AB 1493, http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab_1451-1500/ab_1493_bill_20020722_chaptered.pdf.

² California Air Resources Board (CARB), <http://www.arb.ca.gov/cc/cc.htm>.

³ U.S. Department of State, *U.S. Climate Action Report 2002*, May 2002, [http://yosemite.epa.gov/oar/globalwarming.nsf/UniqueKeyLookup/SHSU5BWHU6/\\$File/uscar.pdf](http://yosemite.epa.gov/oar/globalwarming.nsf/UniqueKeyLookup/SHSU5BWHU6/$File/uscar.pdf).

⁴ CARB, "Fact Sheet: Reducing Climate Change Emissions from Motor Vehicles," <http://www.arb.ca.gov/cc/factsheets/ccfactsheet.pdf>.

⁵ State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials and CARB, "Don't Take Away a State's Right to Protect Its Citizens from Dirty Air," <http://www.4cleanair.org/FinalBrochure-April05.pdf>.

⁶ National Research Council/National Academy of Sciences, *Climate Change Science: An Analysis of Some Key Questions*, 2001, <http://books.nap.edu/html/climatechange/climatechange.pdf>.

⁷ U.S. Department of State, *U.S. Climate Action Report 2002*, May 2002, [http://yosemite.epa.gov/oar/globalwarming.nsf/UniqueKeyLookup/SHSU5BWHU6/\\$File/uscar.pdf](http://yosemite.epa.gov/oar/globalwarming.nsf/UniqueKeyLookup/SHSU5BWHU6/$File/uscar.pdf).