

# The New York Times

EDITORIAL

## Arrogance and Warming

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The Bush administration's decision to deny California permission to regulate and reduce global warming emissions from cars and trucks is an indefensible act of executive arrogance that can only be explained as the product of ideological blindness and as a political payoff to the automobile industry. [Skip to next paragraph](#)

The decision, announced Wednesday by Stephen Johnson, the administrator of the Environmental Protection Agency, overrode the advice of his legal and technical staffs, misconstrued the law and defied both Congress and the federal courts. It also stuck a thumb in the eyes of 17 other state governors who have grown impatient with the federal government's failure to regulate greenhouse gas emissions and wanted to move aggressively on their own.

The Clean Air Act of 1970 gave California authority to set its own clean air standards if it first received a federal waiver. The law also said that other states could then adopt California's standards. In 2004, California asked permission to move ahead with a law requiring automakers to reduce greenhouse gas emissions from new cars and light trucks by 30 percent by 2016. That would require improvements in fuel economy far beyond those called for in the energy bill signed this week.

Over the years, California has made 50 waiver requests to regulate smog-forming pollutants and other gases and has never been denied. This was the first request involving emissions of carbon dioxide and other greenhouse gases, which the Bush administration has steadfastly refused to regulate.

For three years, the E.P.A. also hid behind the argument that it had no authority over carbon dioxide emissions because carbon dioxide was not specifically identified as a pollutant under the Clean Air Act. The Supreme Court demolished that argument last April. Subsequent court decisions have upheld the states' authority to set their own standards while refuting the auto industry's assertions

that meeting the California standards would be technologically and economically impossible.

Undeterred, industry tried to insert language in the energy bill that would have gutted E.P.A.'s authority to regulate carbon dioxide and, thus, its authority to grant California its waiver. Congress refused. The automakers also sought relief from the White House and Vice President Cheney. The result of all these machinations was Mr. Johnson's decision on Wednesday and the ludicrous reasoning that accompanied it.

One of Mr. Johnson's arguments was that a "national solution" to carbon dioxide emissions was preferable to a "confusing patchwork of state rules." A national solution is precisely what the administration has refused to offer. And the California rule — once in force there and in 17 other states — would in fact constitute a uniform standard covering nearly half the car market. That is why the automakers lobbied so fiercely against it.

It has been hard enough to trust Mr. Bush's recent assertions that he has finally gotten religion on climate change. It all seems like posturing now.

## The EPA and California

**Rejecting the state's proposed tailpipe emissions rules smells like blatant politics.**

December 21, 2007

Even an administration with a stunning history of ignoring science and law for the sake of ideology outdid itself Wednesday, when the Environmental Protection Agency spiked California's groundbreaking effort to reduce global warming emissions from vehicles. From the timing of the announcement to its twisted justification, this was a decision that reeked of politics, not responsible policymaking.

California has been trying since 2005 to get a waiver from the EPA allowing it to crack down on tailpipe emissions, a crucial part of its effort to cut greenhouse gases to 1990 levels by 2020. When it became clear that the agency couldn't keep stalling, it finally announced its decision on the same day that President Bush signed an energy bill that tightens fuel-economy standards, providing a convenient excuse for the rejection: California's standards aren't needed because Congress has already moved to reduce vehicle emissions.

None of the reasons for the rejection cited by EPA Administrator Stephen L. Johnson are legally defensible, or even logically consistent. Under the Clean Air Act, four conditions must be met for California to qualify for a waiver. First, its rules can't be arbitrary or capricious; fighting global warming hardly fits under that category. Second, its regulations must be stronger than federal ones. The energy bill's new fuel-economy standards, which require vehicle fleets to go from a current average of 25 miles per gallon to 35 mpg by 2020, aren't as tough as California's, which would require at least 36 mpg by 2016 (the EPA disputes this).

Third, California must show that it has compelling and exceptional conditions to justify the tougher rules. This is where Johnson has a better case; he argues that global warming won't have a unique impact on California, so the state doesn't warrant special authority. Yet California doesn't have to show that it's unique, only that it's exceptional. This is the nation's most populous state, and it is deeply reliant on mountain snowpack for its water. That snowpack is severely threatened by global warming, potentially affecting everything from the nation's food supply (California is the biggest U.S. agricultural producer) to its overall economy as massive urban populations face water shortages. Its coastline is being eroded by rising sea levels, and wildfires are expected to increase. That's pretty exceptional. Finally, California has to show that the new rules are technologically feasible, and courts have already ruled that they are.

Urging a rejection of California's waiver, automakers have been lobbying the White House for months, including in private meetings between industry honchos and Vice President Dick Cheney. The Washington Post, quoting unnamed insiders at the EPA, reported that Johnson overruled the unanimous recommendations of the agency's scientific and legal staffs and that the EPA's lawyers had determined that if California sued to reverse the decision, the agency would lose. State Atty. Gen. Jerry Brown has vowed to file suit as soon as possible, and judges should expedite the case -- California's standards are set to take effect in 2009.

# Bush's EPA



~~The Sacramento Bee~~ December 21, 2007

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## ***Editorial: As the planet warms, Bush sides with Detroit***

### **California must now use all legal tools to meet targets for reducing CO2 emissions**

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Stephen L. Johnson, administrator of the U.S. Environmental Protection Agency, seems determined to go down in history as the least protective EPA leader since Anne Gorsuch Burford, who served in the Reagan administration.

On Wednesday, Johnson rejected California's attempt to implement a 2002 law limiting greenhouse gas emissions from cars and trucks. Had he granted the waiver to California, 16 other states would have adopted the same standards, effectively forcing automakers to modernize their fleets and sell cleaner vehicles nationwide.

But for the feeblest of reasons, Johnson and the Bush administration rejected the waiver. That means California and other states must now engage in another costly court fight that will further delay any real action against the threat of global warming.

Johnson defended his decision by noting that Bush signed an energy bill Wednesday that requires a fleetwide fuel economy standard of 35 miles per gallon by 2020. This national approach, he said, was preferable to a "confusing patchwork of state rules to reduce America's climate footprint from vehicles."

What a disingenuous statement.

As Johnson is well aware, the EPA has granted numerous waivers to California over the years, allowing the state to set pollution limits stronger than federal law allows. Many of these California limits have since become the national standard. The auto companies and other industries opposed several of these standards, whining that they were too onerous and piecemeal.

Johnson is now parroting the auto industry's line, and that's not surprising. As the Detroit News has reported, the chief executives of Ford and Chrysler met with Vice President Dick Cheney last month to discuss their opposition to the California law. There seems little doubt that Johnson was pressured to reject the waiver by the two former oil men who run the White House.

Johnson is correct that the fuel-efficiency standards in the new federal energy bill are an important step forward. But California's law, if implemented, would go further and limit all sources of vehicle greenhouse gases, including emissions from air conditioning systems.

According to an analysis by Environment California, California's law, if implemented in a dozen states, would reduce greenhouse gases by 369 million metric tons annually by 2020, compared with a 83 million ton reduction from the new federal fuel economy standards.

Gov. Arnold Schwarzenegger on Thursday announced his intent to appeal the EPA decision in U.S. District Court. The state has a strong chance of prevailing. As the Washington Post reported Thursday, Johnson's aides and lawyers warned him against denying the waiver, saying in a PowerPoint presentation: "EPA likely to lose suit."

But that legal victory could take some time, and the delays will not bode well for California's efforts – required by state law – to reduce its greenhouse emissions 25 percent by 2020. Fortunately, a 2006 law, Assembly Bill 32, anticipated this outcome, and authorized the California Air Resources Board to use alternate means to reduce emissions from vehicles sold in the state.

Air board chair Mary Nichols must now use that authority if California is to stay on track to a cleaner future.

## **Editorial: Outrageous EPA waiver denial flies in face of facts**

OVERTURNING THE DECISION MUST BE A TOP PRIORITY FOR CALIFORNIA

Mercury News Editorial

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The U.S. Environmental Protection Agency's decision Wednesday to block California's pioneering effort to reduce greenhouse gas emissions from cars is outrageous and deplorable. It's further proof that the Bush administration remains blind to what the law, science and good public policy require to combat climate change.

California must challenge this decision vigorously in court, as Gov. Arnold Schwarzenegger has vowed to do. And Congress should step in, if needed, to help overturn it.

The EPA decision stymies efforts by California and 16 other states - which together account for 45 percent of the U.S. auto market - to move ahead with sharply cutting carbon dioxide tailpipe emissions. A 2002 California law would slash emissions from new cars in the state nearly 30 percent by 2016, starting with the 2009 model year. The 16 states are pursuing policies modeled on California's, but all the states needed a long-delayed waiver from the EPA in order to proceed. California sued the agency in November to force a decision.

In denying the waiver, the Bush administration once again rejected mandatory emissions cuts. EPA Administrator Stephen Johnson said that giving California the green light would have created a "confusing patchwork of state rules" on emissions, and that raising auto fuel efficiency standards under a new federal energy law is sufficient. But that's hogwash.

Here's why the EPA decision was flawed:

- First, it ignored legal precedent. Under the Clean Air Act, California can set its own tougher-than-federal standards on vehicle emissions if it obtains a federal waiver. Over the past 40 years, the EPA has granted California about 50 waivers covering various pollutants, while denying none. The act also acknowledges the right of other states to adopt California's standards.
- Second, it ignored recent federal court rulings. The U.S. Supreme Court in April concluded that greenhouse gases are pollutants that can and should be regulated under the Clean Air Act. Two other federal courts have since reinforced states' rights to proceed with their clean car rules.
- Third, it ignored public health and environmental needs. California's clean vehicle standards would eliminate greenhouse gases equivalent to taking 6.5 million cars off the road by 2020. If the other 16 states followed through, that would grow to nearly 22 million vehicles. Scientists say the United States must move quickly to cut emissions 15 to 20 percent by 2020 and 80 percent by 2050 to ward off the worst damage from climate change.

The EPA used the new, higher auto fuel economy standards as a convenient excuse to deny action on tailpipe emissions. Tougher mileage standards are a big step forward, but they don't represent a comprehensive approach. This disastrous decision must not be allowed to stand.