

EPA chief is said to have ignored staff

The head of the agency rejected written findings in ruling against a California emissions law, sources say.

By Janet Wilson

Los Angeles Times Staff Writer

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The head of the U.S. Environmental Protection Agency ignored his staff's written findings in denying California's request for a waiver to implement its landmark law to slash greenhouse gases from vehicles, sources inside and outside the agency told The Times on Thursday.

"California met every criteria . . . on the merits. The same criteria we have used for the last 40 years on all the other waivers," said an EPA staffer. "We told him that. All the briefings we have given him laid out the facts."

EPA administrator Stephen L. Johnson announced Wednesday that because President Bush had signed an energy bill raising average fuel economy that there was no need or justification for separate state regulation. He also said that California's request did not meet the legal standard set out in the Clean Air Act.

But his staff, which had worked for months on the waiver decision, concluded just the opposite, the sources said Thursday. The sources spoke on condition of anonymity because they were not authorized to talk with the media or because they feared reprisals.

California Air Resources Board Chairwoman Mary Nichols said she was also told by EPA staff that they were overruled by Johnson.

She said Johnson's decision showed "that this administration ignores the science and ignores the law to reach the politically convenient conclusion."

Nichols, who served as assistant EPA administrator overseeing air regulations under President Clinton, said she had helped write waiver decisions there, and "I know California met all the criteria on this one."

California Gov. Arnold Schwarzenegger has vowed to fight in court to overturn the decision.

Technical and legal staff also concluded that if the waiver were denied, EPA would very likely lose in court to the state, the sources said.

But if Johnson granted California the waiver and the auto industry sued, "EPA is almost certain to win," said two sources quoting the briefing document. They advised him to either grant the waiver outright or give California a temporary one for three years.

Instead, three sources said, Johnson cut off any consultation with his technical staff for the last month and made his decision before having them write the formal, legal justification for it.

"It's very highly unusual," said one source with close ties to the agency.

Normally the technical staff would be part of the final decision-making process, including briefing the administrator and writing the formal legal document before his decision. In this case, the briefings were done, but the formal finding has yet to be drafted.

Johnson could not be reached for comment late Thursday.

In Wednesday's media briefing announcing his decision, he said his staff "presented me with a range of options with a lot of pros and cons" and that he had considered them all.

Press secretary Jennifer Wood said Johnson chose to make his announcement before the decision was written because "he was also doing his best to keep his commitment to [Schwarzenegger]. He made a commitment to the governor to get the decision out by the end of the year, and he was ensuring he would be able to do that."

Some staff members believe Johnson made his decision after auto executives met with Vice President Dick Cheney and after a Chrysler executive delivered a letter to the White House outlining why neither California nor the EPA should be allowed to regulate greenhouse gases, among other reasons. The Detroit News reported Wednesday that chief executives of Ford and Chrysler met with Cheney last month.

"Clearly the White House said, 'We're going to get EPA out of the way and get California out of the way. If you give us this energy bill, then we're done, the deal is done,' " said one staffer.

Chrysler spokesman Colin McBean said that records show that Chrysler submitted position papers on the mileage issue with the Bush administration's Office of Management and Budget about five weeks ago. Neither McBean nor a Ford spokeswoman would comment on whether company executives met with Cheney.

Jennifer Moore, a spokeswoman on environmental issues for Ford in Dearborn, Mich., said her company had no reason to question the EPA administrator's assertion that his decision was independent of the White House.

Charles Territo, spokesman for the Alliance of Automobile Manufacturers in Washington, said there was "absolutely not" any linkage between his trade group's decision to support the final version of the Senate energy bill and the EPA's decision to deny California's request for a waiver. Territo said the industry has always stressed a national mileage standard and opposed the California petition.

In a letter to Schwarzenegger on Thursday, Johnson said, "I have instructed my staff to draft the appropriate documents setting forth the rationale for this decision."

Rep. Henry Waxman (D-Beverly Hills) and Sen. Barbara Boxer (D-Calif.) on Thursday announced they were opening investigations into the waiver denial and told Johnson to turn over all documents related to the decision. Waxman also told Johnson not to destroy any documents.

In response to a U.S. Supreme Court decision that the EPA could and probably should regulate greenhouse gases as a threat to public health, Johnson had promised to have his staff prepare by Dec. 31 a national proposal on how greenhouse gases from vehicles should be regulated.

Staff and other sources said the proposed standard cleared all EPA internal reviews and was forwarded to the Department of Transportation last week, before the energy bill was done.

But it is now unclear, when, if ever, such a proposed regulation will be issued.

Johnson ordered staff to stop work on the federal greenhouse gas proposal, said two sources inside and outside the agency.

Spokesmen for both the Department of Transportation and EPA said Thursday that because of the energy legislation signed by Bush on Wednesday, they were reviewing whether they still had the authority to set their own greenhouse gas standards for vehicles.

Transportation Department spokesman Brian Turmail said in an e-mail, "We are still analyzing the regulatory implications of the new energy law and will be deciding the best course of action shortly."

EPA staff and critics noted that the auto industry for decades had vigorously fought higher fuel efficiency standards only to change its stance in recent weeks.

"Clearly EPA's involvement in the California waiver and the federal vehicle standard both is why we are where we're at with this energy bill suddenly going to 35 mpg, which is very positive in a way," said an EPA staff person. "But that is not the end of the story."

Staff and critics said delay or outright elimination of the federal regulation on vehicles spells possible trouble for regulation of greenhouse gas emissions from other major sources.

"Once EPA makes the . . . finding on vehicles, then it opens the door to standards for smokestack industries as well," said Frank O'Donnell of Clean Air Watch. "That's why the Chamber of Commerce and all the others wrote to the Senate. . . . They weren't doing it because they were worried about fuel economy for cars. The did it because they understand the legal ramifications if EPA moves forward with greenhouse gas standards."

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Times staff writer Marc Lifsher contributed to this report.

Staff at EPA supported California's attempt to reduce car emission

[Zachary Coile, Chronicle Washington Bureau](#)

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Environmental Protection Agency Administrator Stephen Johnson overruled the unanimous opinion of his legal and technical staff in blocking California's effort to cut greenhouse gases from cars and trucks - a new revelation that California officials say shows his decision was based on politics, not the law.

House Oversight and Government Reform Committee Chairman Henry Waxman, D-Los Angeles, launched a probe Thursday into why Johnson made his decision even though EPA staffers reportedly warned him he would lose in court if he denied California's request.

"Prior to making this decision, you assured the House Oversight and Government Reform Committee, as well as the state of California and many others, that you would make this decision on the merits," Waxman wrote in a letter to Johnson. "It does not appear that you fulfilled that commitment."

The revelation that Johnson ignored his staff's advice was first reported by the Washington Post on Thursday. California Democratic Sen. Barbara Boxer said her office was able to confirm that the staff recommendations were rejected by the administrator.

"There is absolutely no rationale for what they did, other than to benefit special interests," Boxer said.

EPA spokeswoman Jennifer Wood would not release any details about the staff's recommendations, but she stressed that Johnson has the final say on all waiver requests.

"He's a 26-year career EPA veteran, and he tremendously values the legal and technical expertise of his staff," she said. "The Clean Air Act states that the authority to decide waiver requests rests with the administrator. He evaluated the waiver ... and obviously he made his decision."

The decision will have a huge impact: At least 16 other states, accounting for almost half the U.S. population, have adopted or plan to adopt California's tough tailpipe rules. The rules would require automakers to reduce greenhouse gas emissions from vehicles by 23 percent by 2012 and by 30 percent by 2016.

Gov. Arnold Schwarzenegger announced his intention Thursday to sue to overturn the EPA's decision. The suit will be filed as soon as the agency publishes its decision in the Federal Register in the next few weeks.

"I have no doubt that we will prevail because the law, science and the public's demand for leadership are on our side," Schwarzenegger said. "Anything less than aggressive action is inexcusable."

Johnson said Wednesday that California had failed to show the "compelling and extraordinary conditions" required to grant a waiver to implement the tailpipe rules. He also said new fuel-economy standards, passed by Congress and signed into law by President Bush this week, are a better way to reduce greenhouse gas emissions than a "confusing patchwork of state rules."

But the recommendations of Johnson's staff appear to undercut his findings.

The EPA's legal staff reportedly prepared a PowerPoint presentation advising Johnson that if he denied California's waiver request and the state sued, the EPA was likely to lose, agency staffers told the Washington Post. If he granted the waiver and automakers sued, the staff wrote, "EPA is almost certain to win."

Wood said agency officials have been unable to find the document. She said the EPA's general counsel and others who briefed Johnson on the waiver issue insist it was never presented to him.

"According to all accounts, he never saw the document," Wood said. But she added that he was briefed on the legal implications of his decision.

Waxman is demanding that the EPA turn over all documents related to the decision to his committee.

State officials believe the staffers' views only bolster their case that Johnson is on shaky ground legally.

"The only good news is that eventually we'll win" in court, said Bill Becker, executive director of the National Association of Clean Air Agencies. "But there is a pattern here where the EPA publishes bad rules, and even if those rules are overturned they have bought time for themselves by the delay. The public and those depending on those rules suffer accordingly."

The revelations are likely to be a key focus of congressional hearings early next year.

Boxer, who chairs the Senate Environment and Public Works Committee, said she is planning two rounds of hearings: a field hearing in Southern California early next month where she will invite governors from Western states as well as Johnson to testify; and a second hearing in Washington in late January, where governors from Eastern states and Johnson will be called as witnesses.

"This decision by Johnson is unsupported by his staff, unsupported by court precedent, unsupported by precedent in Congress," she said. "This is politics at its worst."

But at a White House press conference Thursday, the president backed Johnson's decision, saying: "Is it more effective to let each state make a decision as to how to proceed in curbing greenhouse gases? Or is it more effective to have a national strategy?"

Precedent: The EPA let states set own pollution regulations in the past. **A21**

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In past, states were permitted to set own pollution rules

[Bob Egelko, Chronicle Staff Writer](#)

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During President Ronald Reagan's administration, when California was trying to enforce its own tough standards for pollution from diesel engines, the trucking industry argued that the state didn't qualify for a waiver under federal law because the problem wasn't unique to California.

William Ruckelshaus, administrator of the Environmental Protection Agency, sided with the state and let its law take effect. California didn't have to prove its diesel pollution was unique or worse than in any other state, he said in his 1984 decision, as long as it was an important problem because of conditions in the state.

The EPA's current administrator, Stephen Johnson, an appointee of President Bush, spoke in different terms Wednesday when he denied a waiver needed by California - and 16 other states - to allow enforcement of the nation's first limits on vehicles' emissions of greenhouse gases, which scientists consider a major cause of global warming.

The state doesn't meet the federal law's test for a more stringent pollution standard, Johnson said, because "California is not exclusive in facing this challenge." As a result, he said, California can't meet the test of the federal Clean Air Act, which allows the state to enforce its own air pollution standards if it demonstrates "compelling and extraordinary circumstances."

Johnson also said the energy bill Bush had just signed, which includes an increase in fuel economy standards, offers "a clear national solution, not a confusing patchwork of state rules" for emissions that contribute to climate change.

When the state and environmental groups sue next month in a federal appeals court in Washington, D.C., they plan to argue that the Bush administration contradicted consistent interpretations of the Clean Air Act by Ruckelshaus and other EPA administrators of both parties dating back more than 30 years.

"They've never said before that California conditions have to be unique" to justify enforcement of state air pollution standards, Deputy Attorney General Marc Melnick, a lawyer for California in the case, said Thursday. He said Johnson "ignored the clear intention of the (federal) law" that allows California to act as a pace-setter in combatting air pollution.

"EPA has given previous waivers for problems not unique to California," said David Doniger, a lawyer with the Natural Resources Defense Council, which has joined the defense of the state law.

Despite Johnson's reference to a "confusing patchwork of state rules," Doniger said, only two standards exist - one set by California and the 16 states that followed its lead, the other set by the federal government - and that was the arrangement Congress intended when it created the waiver system 37 years ago.

A different view came from Jeff Holmstead, formerly the Bush administration's top EPA official on air-quality issues and now a Washington, D.C., attorney. He said the federal agency has a strong legal position.

"EPA's best argument is that the Clean Air Act was intended to allow California to deal with local air pollution problems," Holmstead said. "It was not intended to allow California to deal in any way it wants with a problem that's global in nature."

Ruckelshaus' 1984 decision on diesel emissions, and other EPA approvals of California waivers, were based on local conditions that the state could improve by tightening its emissions standards, Holmstead said. "It's not as though California can do anything about climate change in California by regulating emissions in California," he said.

The argument over whether the EPA is contradicting its previous position could be the crucial issue in the suit to revive California's law. The U.S. Supreme Court has ruled that courts should normally defer to a federal agency's reasonable interpretation of a disputed law - but that they don't have to follow a position that has been changed abruptly.

In this case, Johnson's reading of a section of the Clean Air Act, which entitles California to a waiver based on "compelling and extraordinary circumstances," seems at odds with interpretations by Ruckelshaus and other EPA administrators. The question before the courts is whether the new interpretation is an unjustified about-face or a reasonable adaptation of an old law to a new situation.

"When courts believe that, for political or other reasons, a federal agency has shifted a long-standing interpretation of federal law, courts seem to be a lot less willing to give deference," said Richard Frank, executive director of the California Center for Law and Environmental Policy at UC Berkeley. Frank was a high-ranking aide to former state Attorney General Bill Lockyer and worked on California's waiver application.

Frank said the Bush administration has engaged in "radical shifts of interpretation" of a variety of environmental laws and has drawn an increasingly skeptical response from the courts. He cited the Supreme

Court ruling in April that found greenhouse gases to be pollutants covered by the Clean Air Act, rejecting the EPA's contrary view of the law.

But conservative scholar John Eastman, dean of Chapman University School of Law in Orange County, said a federal agency's views are entitled to respect from the courts even if they represent a change of course.

"Administrations are part of the political process," Eastman said.

He argued that the EPA is entitled to interpret the law differently for local and global problems. When an agency's view of the law is reasonable, regardless of previous interpretations, he said, "courts are obligated to give the same level of deference."

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California persists despite EPA rule

COURT FIGHT LIKELY; OPTIONS TO REDUCE EMISSIONS STUDIED

By Frank Davies

Mercury News Washington Bureau

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WASHINGTON - California leaders are confident the courts will overturn Wednesday's federal decision that blocks the state from imposing stricter auto emission standards. But they don't intend to wait idly - and vowed to move forward on other fronts to fight global warming.

The California Air Resources Board has already begun looking at other options for reducing greenhouse gas emissions and meeting the ambitious goals set forth in last year's landmark global warming legislation, said board spokesman Stanley Young.

Vehicles account for about 28 percent of the state's emissions, and the California tailpipe standard blocked Wednesday by the U.S. Environmental Protection Agency was designed to reduce vehicle emissions 30 percent by 2016, and become more restrictive after that. It would have kicked in with 2009 model vehicles.

"We will have to find those tons (of carbon dioxide) elsewhere," Young said.

Senate leader Don Perata, D-Oakland, sent a letter Thursday to Air Resources Board chairwoman Mary Nichols asking that the state not only pursue legal action, but also look at other options to cut emissions without federal approval.

"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," Perata wrote. "Local governments from San Francisco to New York have proposed small GHG other measures to reduce vehicular pollution. Any one, or a combination, of these approaches could be employed by the board."

One option is to push a "freebate" plan proposed by Assemblyman Ira Ruskin, D-Los Altos. It would reward those who buy very fuel-efficient cars with a rebate of up to \$2,500, and hit buyers of less thrifty models with fees up to \$2,500. Vehicles in the middle of the market would not be subject to a fee or rebate.

Ruskin said studies show the program could cut greenhouse gas emissions from vehicles in the state as much as 27 percent by 2016 - almost as much as the plan rejected by the EPA.

Gov. Arnold Schwarzenegger reaffirmed Thursday that the state will continue to vigorously pursue its legal challenge - and its ongoing battle with the Bush administration and automobile manufacturers, who favor a national standard that opponents in California insist is too weak.

"Anything less than aggressive action is inexcusable," he said.

The EPA's decision Wednesday was the first time in about 50 cases that it has rejected California's request to enforce a more stringent pollution regulation than a federal standard. California and 17 other states that want to adopt the same standard represent about 47 percent of the nation's population and 46 percent of vehicle use.

The Bush administration said the new energy bill signed Wednesday, with its increase in fuel economy and renewable fuels, does enough for now to tackle global warming.

President Bush, at a press conference, defended EPA administrator Stephen Johnson's decision to choose a "national plan" - the increase in fuel economy mandated in the energy bill - over a series of state regulations that Johnson called "a confusing patchwork."

But state officials say that comparison ignores a key difference that the courts have defended this year: The California standard goes beyond fuel economy, and is designed to reduce global warming, and the Clean Air Act empowers California and other states to protect the health and safety of citizens.

Some of the strongest criticism of the EPA came Thursday from other governors.

The EPA's rationale was "laughable, patently absurd," said Gov. Jodi Rell, R-Conn. The EPA "has gone from being a passive failure to actively interfering with progress."

State and environmental lawyers who have worked on the state regulations also were heartened by a report in the Washington Post that Johnson rejected the unanimous recommendation of his technical and legal staff to allow the California standard.

Johnson's aides gave him a PowerPoint presentation, the Post reported, that ended with a prediction: If he denied the state rule and California sued, "EPA likely to lose suit."

If California officials are confident about the legal terrain, getting help in Congress is more problematic. Sen. Barbara Boxer, a California Democrat, said she would back an effort to overturn the EPA decision.

But two staffers said crafting such legislation would not be easy, and Boxer noted that getting 60 votes in the Senate or securing a veto-proof majority would be a difficult challenge.

States join emissions battle

Governors plan to back California's bid to reverse EPA on greenhouse law.

By Dale Kasler - dkasler@sacbee.com

The Sacramento Bee

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From Oregon to Maine, a multistate groundswell emerged on Thursday behind California's struggle to enforce its greenhouse gas emissions law.

One day after the Bush administration blocked the law, governors and other officials from at least eight states pledged to help California as it prepares to sue the administration.

"We're going to be out there on California's side," Oregon Gov. Ted Kulongoski said in an interview. "The only way we're going to get the national administration to move on this is to keep up the pressure."

Washington Gov. Chris Gregoire said the support of multiple governors, plus members of Congress, could create political pressure on the Bush administration to reconsider. "It's an overwhelming voice from the states," she said.

If the administration doesn't relent and the issue goes to court, the support of New Jersey, New York and others surely wouldn't hurt California's case. Moreover, a report in the Washington Post said the Bush administration ignored warnings from its own lawyers that California could prevail if the matter goes to court.

Nonetheless, legal experts said California faces a difficult challenge because courts usually give federal agencies considerable leeway. "The legal standard that the state is facing is not very favorable for California," said Ann Carlson, a professor of environmental law at UCLA.

On Wednesday, the U.S. Environmental Protection Agency rejected California's request for a waiver allowing the state to implement a law reducing emissions of greenhouse gases from new motor vehicles.

The EPA's rejection kills copycat rules that have been adopted by 12 other states and are under serious consideration by six others. Top officials from many of those states, representing both major political parties, were quick to condemn the EPA.

Vermont Gov. Jim Douglas, a Republican, said the EPA "is out of touch with the reality of climate change." New Jersey Gov. Jon Corzine, a Democrat, called the decision "horrendous," while Maine Democratic Gov. John Baldacci called the administration "obstructionist." Officials in New York, Connecticut, Arizona and Pennsylvania made similar comments.

EPA Administrator Stephen Johnson said California's law was trumped by the new federal energy law – signed by President Bush on Wednesday – that requires automakers to increase fuel efficiency on new cars to 35 mpg by 2020. He said the federal law will achieve roughly the same global-warming results as California's and has the advantage of delivering a single national standard for all to follow.

But state officials said the California law is stronger. It requires the cuts in greenhouse gas emissions to be made by 2016, or four years sooner – a difference of millions of tons of greenhouse gases. California's law calls for even deeper cuts beyond 2016.

The federal law "seeks to reduce all states to the lowest common denominator, which is completely irresponsible and reprehensible," said Attorney General Richard Blumenthal of Connecticut.

"There's no question that we will challenge this early holiday gift to the automobile industry," he said in an interview.

The world's major automakers, saying the California law would mean economic disaster, tried and failed to have the law overturned by filing lawsuits in California and Vermont.

The California law, AB 1493, would require a 30 percent decline in greenhouse gas emissions on new vehicles by 2016. It is a significant component of a more broad-based law, AB 32, which requires substantial cuts in greenhouse gases in almost all sectors of California life.

California is the only state with the authority to establish its own clean-air rules, but only if it gets a waiver from the EPA. Once the EPA grants the waiver – as it has done more than 40 times in the past – other states can enact copycat rules.

Several states filed legal briefs on California's behalf in the Fresno and Vermont lawsuits, and supported California's waiver request by providing testimony to the EPA.

The states' support will likely help California somewhat when it sues the EPA. "It makes a difference if it's one entity or if it's half the country suing," said S. William Becker, executive director of the National Association of Clean Air Agencies.

But political clout alone won't determine the outcome of a court case. Holly Doremus, an environmental law expert at the University of California, Davis, said California must demonstrate "compelling and extraordinary" conditions. That's fairly easy to prove on localized pollution like smog, but harder when global climate change is involved, she said.

"I suspect that the EPA will try to argue that California is no different than the other states" with respect to the threat of climate change, said UCLA's Carlson. "On the other hand, 'compelling and extraordinary' doesn't necessarily mean different. It could just mean compelling – like that we're going to lose all of our water. It's a really novel legal question."

According to a story in Thursday's Washington Post, EPA lawyers warned their bosses they were on shaky legal ground if they rejected California's request.

In a PowerPoint presentation, the paper said, the lawyers wrote that if California sued, "EPA is likely to lose suit." If the waiver was granted and the automakers sued, "EPA is almost certain to win," the lawyers wrote.

Citing "serious questions about the integrity of the decision-making process," Rep. Henry Waxman, D-Los Angeles, chairman of the House Oversight Committee, announced an investigation into the matter and told the EPA to turn over all documents relating to the California request.

Probe set into EPA's emissions decision Committee to look at how California law was blocked

By Michael Gardner
COPLEY NEWS SERVICE

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SACRAMENTO – A powerful congressional committee launched an investigation yesterday into whether the U.S. Environmental Protection Agency put politics ahead of policy in blocking California's first-in-the-nation law to reduce greenhouse gas emissions from vehicles.

Rep. Henry Waxman, chairman of the Congressional Committee on Oversight and Government Reform, accused EPA Administrator Stephen Johnson and the Bush administration of ignoring scientific evidence in favor of automobile industry allies.

“Your decision not only has important consequences to our nation, but it raises serious questions about the integrity of the decision-making process,” Waxman, D-Calif., wrote yesterday in a letter to Johnson.

At the White House, President Bush staunchly defended the EPA decision and renewed a call for more nuclear power, which he suggested would reduce reliance on fossil fuels and cut harmful emissions at the same time.

On Wednesday, Johnson rejected California's application for permission to independently regulate tailpipe emissions of carbon dioxide, which has been linked to global warming.

The ruling marked the first time the EPA had denied such a request from California after granting the state more than 40 waivers since the federal Clean Air Act was adopted in 1970. Under the act, California can exceed federal standards as long as it obtains a waiver from the EPA.

In response to the agency's decision, the leader of the California Senate suggested yesterday that the state explore alternatives to reduce emissions, some of which could significantly affect motorists. Among the possibilities: fees on gas guzzlers to discourage driving, incentives to buy fuel-efficient vehicles and more investment in public transit.

Waxman has built a reputation in Washington as a thorn in the Bush administration's side, using his committee and its subpoena powers for investigations into such matters as Halliburton's dealings in Iraq, the friendly-fire death of Army Ranger Pat Tillman in Afghanistan and disgraced lobbyist Jack Abramoff.

Waxman demanded that Johnson turn over a large number of documents related to California's waiver application by Jan. 23, citing reports that Johnson had overruled the advice of his scientific and legal team.

According to *The Washington Post*, Johnson's staff also prepared a PowerPoint presentation that stated “EPA likely to lose suit” if taken to court for denying the waiver. Various news organizations also have chronicled an intense automaker lobbying campaign that included a meeting with Vice President Dick Cheney.

“This request,” Waxman wrote to Johnson, “includes all communications within the agency and all communications between the agency and persons outside the agency, including persons in the White House.”

Mindful of the potential destruction of documents, Waxman said that “all staff (members) should be notified immediately to preserve all documents.”

Sen. Barbara Boxer, D-Calif., chairwoman of the Senate's environmental committee, also demanded to see the documents, according to The Associated Press. And the National Resources Defense Council has filed a Freedom of Information Act request that the EPA produce the records it used to make the decision.

Johnson said Wednesday that he gave a fair hearing to all sides during “hours upon hours of briefings” and considered a variety of options presented by staffers. He also rejected suggestions of meddling from the White House and Detroit.

“My decision was an independent decision,” Johnson told reporters as he announced his decision. The EPA did not respond yesterday to a request for comment on Waxman's demands.

The president stood by Johnson's decision yesterday, telling reporters that the energy bill he signed Wednesday includes a 40 percent jump in gas mileage standards to an average of 35 miles per gallon for cars, sport utility vehicles and light trucks by 2020. He said this will dramatically reduce tailpipe emissions.

“When you replace as much gasoline on a mandatory basis as we're suggesting, it's going to do a lot to improve the greenhouse gases,” Bush said during a news conference.

He reiterated Johnson's arguments that allowing California to set a separate standard would result in a patchwork of laws.

“The question is how to have an effective strategy,” Bush said. “Is it more effective to let each state make a decision as to how to proceed in curbing greenhouse gases? Or is it more effective to have a national strategy?”

Critics say the Bush administration is overlooking a key point: 17 states have adopted, or plan to enact, California's exact standards – not 17 separate sets of regulations. About 40 percent of the U.S population – 136 million people – lives in those states, and half of the new cars sold in the country move out of showrooms there.

Gov. Arnold Schwarzenegger yesterday renewed his pledge to sue the Bush administration. Governors in other states yesterday pledged to join him. “Anything less than aggressive action is inexcusable,” Schwarzenegger said.

Bush – who has been reluctant to join international treaties to limit emissions and has disputed the gravity of the threat – said he “absolutely” takes global warming seriously. “But I want to make sure that we're effective in what we do, and secondly, do not wreck our economy in whatever we do,” the president said.

He took a jab at those demanding tough action on greenhouse gas emissions but who balk at developing nuclear power.

“If you're somebody that says, 'Greenhouse gases are of vital national interest,' then you ought to be saying, 'I'm for the development of nuclear power plants,' ” Bush said.

California's landmark 2003 law would require automakers to gradually reduce carbon-dioxide emissions in vehicles starting with the 2009 model year, until reaching a 30 percent cut by 2016.

State legislators had anticipated Wednesday's EPA action. They had given the California Air Resources Board extensive authority to look elsewhere for reductions in order to stay on track to meet the state's goal of rolling back emissions from all industries to 1990 levels by 2020.

Senate President Pro Tempore Don Perata, D-Oakland, sent a letter yesterday to air board Chairwoman Mary Nichols asking her to pursue other means while California's legal appeals and federal legislation continue.

“As you know, there are numerous proposals both within and outside the Legislature to promote reductions in auto emissions through efficient-car-purchase incentives, smart-growth investments, increased transit usage and other means,” Perata wrote.

“Local governments from San Francisco to New York have proposed small greenhouse gas emission mitigation fees and other measures to reduce vehicular pollution. Any one, or a combination, of these approaches could be employed by the board,” Perata said.