

Testimony to the U.S. Environmental Protection Agency
Requesting Approval of California Clean Air Act Waiver

EPA-HQ-OAR-2006-0173

State Senator Fran Pavley
California State Senate

Thursday, March 5th, 2009

Good morning, I am California State Senator Fran Pavley, the author of California's Clean Car Law.

The circumstances leading to California's request to approve the Clean Air Act waiver were both compelling and extraordinary in 2002, and are even more pronounced today.

Approximately 58% of California's greenhouse gas emissions come from the transportation sector. Our estimated 25 million cars and light duty trucks are the primary cause of these pollutants.

I introduced the clean car bill in early 2001 and it was signed into law in 2002 after multiple hearings, conferences and workshops about the impacts of global warming. During these hearings, experts in automotive technology testified that cost-effective, virtually off-the-shelf technologies were available to reduce emissions from the tailpipes of automobiles.

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Climate change will bring extraordinary, negative changes to California. Testimony from scientists and university professors detailing these potential changes were added as findings and placed into my legislation.

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For example, by 2002 we knew a strong link existed between greenhouse gases and the formation of ozone pollution. When the temperature rises, California's already bad air quality gets worse. That's why organizations such as American Lung Association (ALA), California Coalition for Clean Air (CCA), California Medical Association (CMA) and the California Nurses Association (CNA) supported my bill. That same year, an international conference on Air Pollution and Climate Change drove home the clear and compelling link.

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In the Los Angeles area where I live, respiratory problems, particularly among our youth, have dramatically increased over the past few decades. Recent reports estimate that 1 out of every 5 children in parts of LA and communities in the Central Valley carry an inhaler to school because they are suffer from asthma, a condition with direct physiological ties to air quality.

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As temperatures get hotter, many parts of California will become increasingly challenging places to live and do business. Heat wave related deaths already occur with depressing frequency, particularly in inland cities. In 2006, temperatures exceeded 100 degrees for 30 days in a row in such locales as San Bernardino, Woodland Hills and Fresno. Health officials attributed at least 140 deaths to this extreme heat event. The elderly and lower income communities who did not have or could not afford air conditioning felt the disproportionate brunt of the impacts.

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One of the most serious impacts of climate change is the threat to the state's fresh water supply. A large proportion of the drinking water we use comes from snowfall that melts in spring, fills our reservoirs, and is transported to our cities and farms during dry summer and fall months. As temperatures warm, more of our precipitation will fall as rain rather than snow. Our elaborate water storage and conveyance system is not designed for this scenario. Climate models predict increased incidence of drought along with earlier snowmelt, which makes management of our reservoirs more difficult and flooding more likely.

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Evidence from California's Department of Water Resources of earlier melt of the High Sierra snow pack was included in our state's water plan and in the findings for my legislation. Annual updates since the bill was passed validate the trend of an earlier spring. The reliability of the Sierra snow pack – essentially a time-

release water storage mechanism - during our long, hot summers is critical to both agricultural and urban water users.

Today, Californians are faced with the third year of a record drought. Reservoirs are less than half full and mandatory water conservation measures are being adopted in many cities. Last week Governor Schwarzenegger declared a statewide emergency due to the shortage of water, and we face mandatory water rationing if the situation does not improve. This will place a terrible strain on our economy, our environment, the state's agriculture sector and urban users.

Recent reports estimate that up to 80,000 agricultural workers in counties close to Sacramento will lose their jobs due to the drought and recent court rulings to save federally protected endangered species of fish. Entire farm worker communities throughout the state are at risk.

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Faster and earlier spring run off has increased the risk of floods and put tremendous pressure on our old, structurally weak 1600 miles of levees that line California's Delta. Due to a 2005 court decision, California is now liable for the entire state network of levees, even though many were built by local landowners as much as a century ago without the benefit of seismic or even basic engineering. We are spending billions in general fund and bond monies restoring damaged levees and in some cases compensating owners for property losses.

In addition, over 500,000 people now live adjacent to these levees with a growing concern about their safety.

As the Chair of the State Senate Natural Resources and Water Committee, I am concerned about how we can adapt to the impacts of climate change. Delivering water to over 2/3 of California's growing population and farms is an increasing challenge. Salt water intrusion from sea level rise and storm surges along our coast was identified in 2002. Projections of rising sea levels together with the growing risk of wintertime flooding are bringing increased pressure on the fragile Delta ecosystem and jeopardizing our drinking water supplies. This is also putting both life and property at risk along our coast, in the Delta, and in many parts of the state's great Central Valley.

I would like to bring to your attention to yet another impact that has increased dramatically in the past few years. Intense wind events coupled with drought and dry vegetation have resulted in an increase in wildfires in every region of the state.

In Southern California, we no longer have a predictable wildfire season of a few months at the end of our long hot summers. Instead, out-of-control wildfires are now occurring throughout the year on a regular basis. Thousands of homes have been lost, air pollution has increased causing additional health problems, wildlife habitat and ecosystems have been destroyed, and run off from soil erosion has impacted water quality. Firefighters and equipment are stretched to their capacity which has put an incredible strain on local governments and the state budget. In 2008, the State of California, already facing a huge budget deficit, spent an additional \$1.3 billion dollars for state firefighting efforts.

I took an oath of office to protect the health and safety of the 925,000 people who live in my State Senate District and the State of California. California needs to do its fair share of reducing the impacts of green houses gas emissions because the costs of inaction will be devastating to our state. In my opinion we have met the extraordinary and compelling criteria required for the waiver.

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Finally, in California we have seen time after time that regulations which are good for the environment create innovations that also benefit the economy. We regularly hear complaints from industry that our regulations are bad for business and bad for the economy, but after decades of being at the leading edge of environmental regulations, California's economy is still one of the strongest and most varied in the nation and the world, despite the global economic difficulties we are all experiencing.

Over the past year, new technology has been the lone bright spot in our economy, with billions in investment going to clean energy innovation in our state. Business leaders, entrepreneurs, inventors, and scientists have all told me that our state's environmental policies are what attract these kinds of investments.

From unleaded gas to catalytic converters, approximately 50 waivers in a row had been granted to California, under our exemption in the Clean Air Act. In December of 2007, our petition for a waiver was denied.

Thank you to President Obama and EPA Secretary Lisa Jackson for reconsidering this unprecedented denial. Over 15 states that support the passage of this petition look forward to a revitalized automobile industry manufacturing cleaner, more efficient cars in order to address one of the most environmentally and economically challenges of the 21st century-global warming.