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Gov. Schwarzenegger Issues Statement after U.S. EPA Rejects California's Tailpipe Emissions Waiver Request

Governor Schwarzenegger today issued the following statement after the U.S. Environmental Protection Agency (USEPA), after nearly two years of delay, rejected California's request to regulate tailpipe emissions from passenger cars and light trucks. Over the past year, the Governor has lobbied the federal government, meeting and sending letters to both President Bush and USEPA Administrator Johnson. Last month, the Governor announced California's lawsuit against the agency for failing to act. Today, he vowed to appeal the decision and pursue every legal opportunity to obtain the waiver.

"While the federal energy bill is a good step toward reducing dependence on foreign oil, the President's approval of it does not constitute grounds for denying our waiver. The energy bill does not reflect a vision, beyond 2020, to address climate change, while California's vehicle greenhouse gas standards are part of a carefully designed, comprehensive program to fight climate change through 2050," said Governor Schwarzenegger.

"California has a long and proud history of leadership in reducing pollution and fighting for clean air. Our citizens place a high priority on good health and a clean environment, and we are ready to implement the nation's cleanest standards for vehicle emissions. It has been nearly two years since we requested the waiver and, now, sixteen other states are following our lead to reduce our dependence on foreign oil, increase fuel efficiency and help reduce harmful greenhouse gases. A ruling from the U.S. Supreme Court earlier this year made it clear that the USEPA has the authority to limit greenhouse gas emissions from motor vehicles.

"It is disappointing that the federal government is standing in our way and ignoring the will of tens of millions of people across the nation. We will continue to fight this battle. California sued to compel the agency to act on our waiver, and now we will sue to overturn today's decision and allow Californians to protect our environment."

Under the Federal Clean Air Act, California has the right to set its own tougher-than-federal vehicle emission standards, as long as it obtains a waiver from USEPA. Over the past 30 years the USEPA has granted California more than 40 such waivers, denying none.

The original request for a waiver of federal preemption of California's Motor Vehicle Greenhouse Gas Emissions Standards was made by the California Air Resources Board (ARB) on December 21, 2005. The waiver, allowing California to enact and enforce emissions standards to reduce greenhouse gas emissions from automobiles, was requested after the Air Resources Board developed regulations based on a 2002 California law, AB 1493 by Assemblymember Fran Pavley.

That law required California to establish new standards for motor vehicle greenhouse gas emissions beginning in model year 2009. The ARB-adopted regulations will phase in and ramp up over eight years to cut global warming emissions from new vehicles by nearly 30 percent by model year 2016.

By implementing these standards, California would be eliminating greenhouse gases equivalent to taking 6.5 million cars off the road by the year 2020. If all the other states with similar plans follow through, that figure would grow to nearly 22 million vehicles and would cut gasoline consumption by an estimated 11 billion gallons a year.

In letters sent on [April 10, 2006](#) and [October 24, 2006](#) to President Bush, the Governor reiterated the urgency of approving California's request to address global warming. On [April 25, 2007](#), 16 months after the original waiver request, Governor Schwarzenegger sent a letter to Administrator Johnson informing him of California's intent to sue after 180 days under the Clean Air Act and Administrative Procedure Act, which provides mechanisms for compelling delayed agency action.

California's request has been supported by recent judicial decisions. In September, a court decision in Vermont confirmed that states do have the ability to adopt California's motor vehicle greenhouse gas emissions standards. Sixteen states, comprising about 45 percent of all U.S. auto sales have adopted, or are in the process of adopting, California's standards.

In the Vermont case, the judge dismissed the argument by automobile manufacturers that they could not comply with the California-based regulation because the technology was out of reach and that it would cost too much. The Vermont decision came on the heels of a U.S. Supreme Court ruling last April saying the U.S. EPA has the authority to regulate greenhouse gases.

States that have adopted, or are in the process of adopting, California's strict automobile emissions standards are: Arizona, Colorado, Connecticut, Florida, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Utah, Vermont and Washington.

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