

EPA denies California's bid to reduce emissions from vehicles

By KEN THOMAS and ERICA WERNER, Associated Press Writers
in the Modesto Bee, Thursday, December 20, 2007

WASHINGTON — The Environmental Protection Agency on Wednesday slapped down California's bid for first-in-the-nation greenhouse gas limits on cars, trucks and SUVs, refusing the state a waiver that would have allowed those restrictions to take effect.

"The Bush administration is moving forward with a clear national solution - not a confusing patchwork of state rules," EPA Administrator Stephen L. Johnson told reporters on a conference call. "I believe this is a better approach than if individual states were to act alone."

The long-awaited decision amounted to a serious setback for California and at least 16 other states seeking the new car regulations to achieve their anti-global warming goals. It was a victory for automakers, who contended they would have been forced to reduce their selection of vehicles in the states that adopted California's standards.

The tailpipe standards California adopted in 2004 would have forced automakers to cut greenhouse gas emissions by 30 percent in new cars and light trucks by 2016, with the cutbacks beginning in the 2009 model year.

Under the Clean Air Act, the state needed a federal waiver to implement the rules.

"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," said Gov. Arnold Schwarzenegger. "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."

Twelve other states - Connecticut, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington - have adopted the California emissions standards, and the governors of Arizona, Colorado, Florida and Utah have said they also plan to adopt them. The rules were also under consideration in Iowa.

With Wednesday's denial, those other states are also prevented from moving forward.

In explaining his decision, Johnson cited energy legislation approved by Congress and signed into law Wednesday by President Bush. The law requires automakers to achieve an industrywide average fuel efficiency for cars, SUVs and small trucks of 35 miles per gallon by 2020.

Johnson said Congress' approach would be better than a "partial state-by-state approach." He said California's law would have yielded a 33.8 mpg standard, but California Air Resources Board chair Mary Nichols said Johnson's math was "just wrong."

She said the California regulations would have resulted in a 36.8 miles per gallon average and would have taken effect sooner than the federal standards.

"EPA is now trying to hide behind the passage of (fuel economy) legislation," Nichols said. "This is really unconscionable."

Environmentalists and Democratic lawmakers also denounced the decision. Sen. Barbara Boxer, D-Calif., who chairs the Senate's environment committee, said she'd question Johnson at a hearing. Rep. Henry Waxman, D-Calif., chairman of the government oversight and reform committee in the House, vowed to investigate, alleging the decision was dictated by politics - something Johnson denied.

"This federal agency blunder is bad policy and worse law," Connecticut Attorney General Richard Blumenthal said. "We will take the EPA to court if necessary and once again demonstrate that no one is above the law. If the EPA won't obey the law or take the lead, at least it should get out of the way so states can protect our environment."

Automakers applauded the outcome.

General Motors Corp. said in a statement that "by removing the disproportionate burden of complying with a patchwork of state-specific regulations that would divert our resources, automakers can concentrate on developing and implementing the advanced technologies in ways that will meet America's driving needs."

Wednesday's decision was further confirmation of the Bush administration's adamant opposition to mandatory limits on greenhouse gas emissions, even after a string of court decisions affirming the right of states and the federal government to regulate carbon dioxide and other greenhouse gases.

It was the first time the EPA had fully denied California a Clean Air Act waiver since Congress gave California the right to obtain such waivers in 1967.

The auto regulations were to have been a major part of California's first-in-the-nation global warming law which aims to reduce greenhouse gases economy-wide by 25 percent - to 1990 levels - by 2020. The auto emission reductions would have accounted for about 17 percent of the state's proposed reductions.

Nichols said California expects to win on appeal and does not plan to shift its strategy to meeting greenhouse gas reduction goals.

Despite the Bush administration's opposition to mandatory greenhouse gas limits, some congressional Democrats hope to craft a federal law. Earlier this month Boxer's committee passed a bill with mandatory caps on greenhouse gases although approval by the full Senate next year is far from certain and there are no immediate plans for the House to act.

California had been waiting for Wednesday's decision for two years. EPA put it off while a Supreme Court case was pending on whether the agency could regulate greenhouse gases. In April, the Supreme Court said it could.

In the wake of that ruling, President Bush directed federal agencies to craft regulations to cut greenhouse gas emissions from motor vehicles. Johnson said Wednesday he would review the newly signed energy bill to see what additional steps might need to be taken.

Ethanol plant secures council approval

By Eiji Yamashita

Hanford Sentinel, Wednesday, Dec. 19, 2007

All necessary approvals are in for an ethanol plant proposed in south Hanford. Last week, after a long debate over pros and cons of the new corn ethanol plant, the city planning commission gave the project a thumbs up.

On Tuesday, members of the City Council unanimously ratified a required annexation and certified an environmental review document. They had little to say as they heard much of the same pollution concerns during the hearing.

Bakersfield-based Great Valley Ethanol plans to build a plant -- capable of producing 43 million gallons a year of ethanol out of corn and grain sorghum -- on a 112-acre parcel at the southwest corner of Iona and 10th avenues in the Kings Industrial Park. A conditional use permit for the project was approved by the planning commission last week.

Unless appealed, the commission decision is final.

Groundbreaking for the project is expected in April. Construction will take about 15 to 18 months, according to Edward Settle, president/CEO of Great Valley Ethanol.

The project puts Hanford on the ethanol map that is sprawling -- with bipartisan support -- in California, where the industry claims a 1 billion-gallon demand is barely filled by a current 70

million-gallon supply. Corn ethanol is used as a gasoline additive replacing MTBE, which has caused groundwater pollution in the past.

There are currently four ethanol plants operating in California, including one in Madera, and three under construction. The Hanford plant was one of three in the permitting process. A virtually identical plant by Great Valley Ethanol is also in the works in Wasco.

The environmental impact report indicates the plant would cause unavoidable significant amounts of nitrogen oxide, a smog precursor, and greenhouse gas.

The plant also uses 1 million gallons of water a day, which is one-eleventh of the average amount of water pumped by the city each day. That's enough water to serve 4,651 residents in Hanford.

John Westermier, a consultant who worked on the environmental impact report for the project, said this water use exceeds the citywide water use projected by the 2005 Urban Water Management Plan by 3.3 percent.

Company officials said they are mitigating these issues.

For example, the company will pay the Kings County Water District for any water usage exceeding the historical use of water by agriculture in the area, that is three acre-feet per acre. The money will pay for water banking to replenish groundwater.

The company will also implement a truck traffic plan to minimize inner-city traffic impact, said Brian Pellens, the company's chief operating officer. Odor will also be controlled by combustion, he said.

Approval by city decision-making bodies was given to the project with statements of overriding concerns with respect to air pollution and greenhouse gas emission because of the project's long-term benefits, such as reduction of the state's dependence on petroleum and greenhouse gas emission by cars.

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Clean-air activists hold vigil for Valley's asthma victims

By Dhyana Levey

Merced Sun-Star, Thursday, Dec. 20, 2007

FRESNO -- Activists clung to umbrellas and protest signs outside the San Joaquin Valley Air Pollution Control District office Tuesday evening as the agency prepared to discuss its plan to clean up fine-particle pollution.

Donning such statements as "Air pollution PM-2.5 kills" and "The time to act is NOW," about 30 Merced and Fresno clean-air advocates braved the rain to demonstrate their belief that the district's plan won't be enough.

The plan is meant to address the Valley's problems with PM-2.5 particles, which are so small that 30 of them would fit on the width of a human hair. They come from such sources as fires and diesel exhaust, but the biggest problem involves oxides of nitrogen from vehicles combining with ammonia from dairies, creating plumes of ammonium nitrate.

The particles, which often hang in the Valley fog during fall and winter, can penetrate deep into the lungs and get into the bloodstream. They can aggravate asthma, contribute to heart disease and cause premature death.

The district introduced its plan in Fresno to the public Tuesday evening during the first in a series of workshops. It hopes to further regulate the causes of this dangerous type of winter pollution, with a cleanup target date of 2014.

Not only will it target diesel emissions, but the district is also considering reducing other pollution sources, such as fireplaces and fireworks. "We believe we have a good first draft," said Rick McVaigh, deputy air pollution control officer for the district. "We're definitely looking forward to public input."

After workshops, public comment periods and revisions, the district hopes to finish the plan by April. The comment period on Draft 2008 PM-2.5 Plan closes Jan. 9.

The plan will comply with an out-of-date 1997 air quality standard, warned Mary-Michal Rawling, program manager for the Merced/Mariposa Asthma Coalition, who traveled from Merced to attend the vigil and meeting. "We'll be pushing for them to do more," she said.

The state Environmental Protection Agency has more stringent standards. And stricter regulations are what the Valley needs to get cleaner air sooner, she argued, adding that the plan was based on a lot of rules similar to the district's already flawed ozone plan.

The ideal situation would be for the district to write a plan that reaches tougher, more recent standards by 2010, Rawling said. "People are dying. If that's not a mandate to do more, than what is?" she asked.

The vigil outside the district's office was meant to recognize those who have died or who suffer from asthma. Melissa Kelly-Ortega, Asthma Coalition program associate, held a sign with a large picture of her 4-year-old daughter, Satya, who developed a chronic cough and must take twice-a-day medication for her breathing problems.

Elise Roselle of Fresno said she decided to attend the vigil after hearing about two Valley mothers who died recently from asthma attacks. The district only adds to the problem by taking too long to adopt new standards that boost environmental health, she said.

"The health of people is basic," said Tom Grave, co-chair of the Merced Alliance for Responsible Growth. "If you don't have health, what do you have?"

Merced clean-air activist Lisa Kayser-Grant expressed disgust with the district and accused officials of trying to take the minimal path: "You have to do better."

But the region must first comply with the long-delayed 1997 standards, the district counters. Lawsuits and bureaucratic red tape can hold up new standards for years. The 2006 standard won't be seriously discussed for at least another year.

Although activists say they're aware of the hoops agencies must jump through, they consider the bureaucratic road blocks an excuse -- not a valid reason -- for the holdups. "There's always another meeting and other meeting," Roselle said. "Everything keeps getting delayed."

Many of the vigil attendees didn't seem to have the patience for another meeting. About half of them didn't venture inside to attend the district's public workshop. They instead chose to stand in the rain for the vigil before the meeting.

Once the meeting did begin, district officials explained the beginning phases of the PM-2.5 plan. "We leave nothing off the table right now," they said, before presenting a brief outline of the first draft.

Community members who attended appeared pleased at the plan's intentions to increase the amount of days in the Valley when fireplace burning is prohibited -- but they still wanted more. A number of people in public comments urged the district to ban fireplace burning all together. "We need regulations," Kelly-Ortega declared. "We need rules, more stringent rules."

But these activists fear that -- in the end -- the standards the district settles on won't be enough to protect their health.

The district maintains that its plan remains in first-draft stage and that it welcomes -- and needs -- public input.

E.P.A. Says 17 States Can't Set Emission Rules

By JOHN M. BRODER and FELICITY BARRINGER
N.Y Times, Thursday, December 20, 2007

WASHINGTON — The Environmental Protection Agency on Wednesday denied California and 16 other states the right to set their own standards for carbon dioxide emissions from automobiles.

The E.P.A. administrator, Stephen L. Johnson, said the proposed California rules were pre-empted by federal authority and made moot by the energy bill signed into law by President Bush on Wednesday. Mr. Johnson said California had failed to make a compelling case that it needed authority to write its own standards for greenhouse gas emissions from cars and trucks to help curb global warming.

The decision immediately provoked a heated debate over its scientific basis and whether political pressure was applied by the automobile industry to help it escape the proposed California regulations. Officials from the states and numerous environmental groups vowed to sue to overturn the edict.

In an evening conference call with reporters, Mr. Johnson defended his agency's decision.

"The Bush administration is moving forward with a clear national solution, not a confusing patchwork of state rules," he said. "I believe this is a better approach than if individual states were to act alone."

The 17 states — including New York, New Jersey and Connecticut — had waited two years for the Bush administration to issue a ruling on an application to set stricter air quality standards than those adopted by the federal government. The decision, technically known as a Clean Air Act waiver, was the first time California was refused permission to impose its own pollution rules; the federal government had previously granted the state more than 50 waivers.

The emissions standards California proposed in 2004 — but never approved by the federal government — would have forced automakers to cut greenhouse gas emissions by 30 percent in new cars and light trucks by 2016, with the cutbacks to begin in 2009 models.

That would have translated into roughly 43 miles per gallon for cars and some light trucks and about 27 miles per gallon for heavier trucks and sport utility vehicles.

The new federal law will require automakers to meet a 35-mile-per-gallon fleetwide standard for cars and trucks sold in the United States by 2020. It does not address carbon dioxide emissions, but such emissions would be reduced as cars were forced to become more fuel efficient.

California's proposed rules had sought to address the impact of carbon dioxide and other pollutants from cars and trucks that scientists say contribute to the warming of the planet.

Gov. Arnold Schwarzenegger of California said the states would go to federal court to reverse the E.P.A. decision.

"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," Mr. Schwarzenegger said. "We will continue to fight this battle."

He added, "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."

Twelve other states — New York, New Jersey, Connecticut, Maine, Maryland, Massachusetts, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont and Washington — had proposed standards like California's, and the governors of Arizona, Colorado, Florida and Utah said they would do the same.

If the waiver had been granted and the 16 other states had adopted the California standard, it would have covered at least half of all vehicles sold in the United States.

Automakers praised the decision. "We commend E.P.A. for protecting a national, 50-state program," said David McCurdy, president of the Alliance of Automobile Manufacturers. "Enhancing energy security and improving fuel economy are priorities to all automakers, but a patchwork quilt of inconsistent and competing fuel economy programs at the state level would only have created confusion, inefficiency and uncertainty for automakers and consumers."

Industry analysts and environmental groups said the E.P.A. decision had the appearance of a reward to the industry, in return for dropping its opposition to the energy legislation. Auto industry leaders issued statements supporting the new energy law, which gives them more time to improve fuel economy than California would have.

The California attorney general, Edmund G. Brown Jr., called the decision "absurd." He said the decision ignored a long history of waivers granted California to deal with its special topographical, climate and transportation circumstances, which require tougher air quality standards than those set nationally.

Mr. Brown noted that federal courts in California and Vermont upheld the California standards this year against challenges by the auto industry.

Senator Dianne Feinstein, the California Democrat, said: "I find this disgraceful. The passage of the energy bill does not give the E.P.A a green light to shirk its responsibility to protect the health and safety of the American people from air pollution."

Representative Henry A. Waxman, Democrat of California and chairman of the House Oversight and Government Reform Committee, said the E.P.A. decision defied law, science and common sense. He said his committee would investigate how the decision had been made and would seek to reverse it.

Richard Blumenthal, the attorney general of Connecticut, called the ruling a "mockery of law and sound public policy."

Andrew M. Cuomo, the New York attorney general, said the state would challenge the decision.

Mr. Johnson, the E.P.A. administrator, cited federal law, not science, as the underpinning of his decision. "Climate change affects everyone regardless of where greenhouse gases occur, so California is not exclusive," he said.

Mary Nichols, the head of the California Air Resources Board, which had geared up to enforce the proposed emissions rules on 2009-model cars, said the reasoning was flawed. "Thirty-five miles per gallon is not the same thing as a comprehensive program for reducing greenhouse gases," Ms. Nichols said.

David Doniger, a lawyer for the Natural Resources Defense Council, said that since 1984, the agency has not distinguished between local, national and international air pollution.

"All the smog problems that California has are shared with other states, just like the global warming problems they have are shared with other states," he said.

EPA denies California's right to mandate emissions
Bush administration says a new energy bill makes the state's emissions effort unnecessary. Schwarzenegger vows a court fight.

By Richard Simon and Janet Wilson, Los Angeles Times Staff Writers
Thursday, December 20, 2007

WASHINGTON -- The Bush administration Wednesday denied California's bid to regulate greenhouse gas emissions from automobiles, dealing a blow to the state's attempts to combat global warming and prompting an immediate vow from Gov. Arnold Schwarzenegger to take the decision to court.

Environmental Protection Agency administrator Stephen L. Johnson denied the state's request to implement its own landmark law, noting that an energy bill signed by President Bush earlier in the day would go a long way toward reducing emissions throughout the United States. The bill provides the most significant increase in vehicle fuel economy standards in more than three decades.

"The Bush administration is moving forward with a clear national solution, not a confusing patchwork of state rules," Johnson said in announcing his decision.

The decision infuriated public officials and environmentalists from Washington to Sacramento, who fired the first shots in what is expected to be a pitched legal and political battle through the 2008 presidential campaign. At least 16 other states, with nearly half the nation's population, have adopted or are considering California's emission limits and could join in challenges to Wednesday's decision.

Schwarzenegger assailed the EPA for "standing in our way" to reduce greenhouse gas emissions. "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," he said in a prepared statement. California Air Resources Board Chairwoman Mary Nichols, whose agency requested the waiver two years ago, said there was no "patchwork" of standards. "There is a California greenhouse gas standard . . . which 16 other states would adopt, whereas there is no federal greenhouse gas standard," she said.

"The Supreme Court told EPA it has to take action on global warming. It affects our health and our environment. It's not just about fuel economy."

Congress is likely to weigh in, although lawmakers may not be able to craft legislation that could survive a presidential veto.

Rep. Henry A. Waxman (D-Beverly Hills), chairman of the House Oversight and Government Reform Committee, condemned the decision as dictated by "politics . . . not facts" and promised to launch an investigation into how the decision was reached. Sen. Dianne Feinstein (D-Calif.) called the decision "disgraceful."

David Bookbinder, the Sierra Club's chief climate counsel, vowed to take the fight to court. "These guys are 0 and 4 in court," he said. "And they're about to go 0-5."

Bookbinder was referring to the Supreme Court's decision this year that greenhouse gas regulation fell under the purview of the EPA and to several lower court decisions rebuffing the auto industry's efforts to head off states' regulation of tailpipe emissions.

The EPA waiver decision was a victory for the auto industry. David McCurdy, president and chief executive of the Alliance of Automobile Manufacturers, said in a prepared statement that a "patchwork quilt of inconsistent and competing fuel economy programs at the state level would only have created confusion, inefficiency and uncertainty for automakers and consumers."

The federal Clean Air Act allows California to set anti-pollution standards stricter than those of the federal government, subject to EPA permission. California had been waiting for the EPA to act since the state petitioned the agency in 2005, and at least 16 other states had been hoping to follow California's lead.

Johnson, who telephoned Schwarzenegger shortly before announcing his decision, said that with the energy bill, there was no need for separate state regulations that would cover only part of the country.

Under the energy bill, fuel efficiency for new cars and light trucks will increase 40% by 2020, for a fleet-wide average of 35 mpg, the biggest congressionally ordered increase since the fuel economy program was created in 1975. Cars and light trucks, including SUVs, account for about a fifth of U.S. carbon dioxide emissions.

"I believe that Congress by passing a unified federal standard of 35 mpg delivers significant reductions that are more effective than a state-by-state approach," Johnson said. "This applies to all 50 states, not one state, not 12 states, not 15 states. It applies to all 50 states, and that's great for the economy, for national security and for the environment."

Johnson said California's request was unlike others that had been granted by his agency that covered "pollutants that predominantly impacted local and regional air quality."

He said the EPA acted after he and his staff reviewed more than 100,000 written comments and "thousands of pages of technical and scientific documentation."

Asked if there was White House influence, Johnson said, "My decision was an independent decision."

State officials and environmentalists said the energy bill, although helping reduce greenhouse gas emissions nationally, was no substitute for California's efforts, which would go further and achieve results faster.

Although the energy bill requires a fleet-wide average of 35 mpg by 2020, California officials say the state law would result in a 36-mpg average four years earlier.

California's law would also regulate a broader spectrum of greenhouse gases, including refrigerants from vehicle air conditioners, and it governs the emissions of a range of alternative fuels, not just gasoline.

Under a waiver, California and other states could tighten their emission rules beyond 2020, Nichols noted.

California has adopted a goal of reducing greenhouse gases 80% by mid-century, the amount needed to avoid the most catastrophic effects of global warming, according to scientific consensus.

"Ours is a more comprehensive program which extends into the future," Nichols said. "We get there faster, with a more flexible program."

A waiver is also critical to the state's efforts to comply with its 2006 landmark global warming law, which requires greenhouse gas emissions to be cut to 1990 levels by the year 2020.

"We need that waiver," Nichols said. But if it isn't granted, she added, "we will proceed by other means. I don't want to speculate on what those will be."

The decision also drew criticism from one of Johnson's predecessors, William K. Reilly, a former EPA administrator in the first Bush administration, who said that although the energy bill "does indeed contain much that is commendable . . . the nation does not yet have the national comprehensive climate protection policy that would render state initiatives unnecessary."

"California has frequently charted the course the country has followed," he said.

Dan Becker, former director of the Sierra Club's global warming program and now an environmental consultant, offered this reaction: "Bush to California: Drop dead!"

EPA blocks California bid to limit greenhouse gases from cars

Zachary Coile, Bob Egelko, Matthew Yi, Chronicle Staff Writers
S.F. Chronicle, Thursday, December 20, 2007

Washington -- The Bush administration blocked efforts by California and 16 other states Wednesday to limit greenhouse gas emissions from cars and trucks, setting up a political and legal fight over whether states can take a lead role in combatting global warming.

Environmental Protection Agency Administrator Stephen Johnson rejected California's request for a waiver from the federal government to impose its tough tailpipe emissions standards. The other states were poised to adopt similar rules if California's request was granted.

The states represent nearly half the U.S. population, and their laws would effectively require automakers to cut greenhouse gas emissions nationwide, despite President Bush's rejection of mandatory national standards.

Johnson said Congress' passage of an energy bill this week that raises fuel economy standards for all cars and trucks to 35 miles per gallon by 2020 made the state laws unnecessary. Bush signed the law Wednesday morning.

"It's important to put this in perspective - (the new law) applies to all 50 states," Johnson said. "Not 12 states, not 17 states, all 50 states. That is great from an environmental perspective."

California's 2002 statute would require automakers to cut emissions to 23 percent below current new-car levels by 2012 and 30 percent below by 2016, through a combination of better gas mileage, alternative fuels, reducing leaks from air conditioners and other new technologies.

California officials said they believed Johnson had long ago decided to oppose the state's waiver, and said he was using the newly passed energy bill as an excuse. Nothing in the new law prevents states from taking stronger action, they said.

"It's a phony argument and ridiculous on its face," said Sen. Barbara Boxer, D-Calif.

"I find this disgraceful," said Sen. Dianne Feinstein, D-Calif., who helped write the fuel-economy law. "The passage of the energy bill does not give the EPA a green light to shirk its responsibility to protect the health and safety of the American people from air pollution."

It was the first time the EPA has flat-out denied a waiver request by California under the Clean Air Act. The law gives California special authority to set stronger standards because the state has a long history of smog and other air-quality problems.

But Johnson insisted the state's request had not met the "extraordinary and compelling conditions" required under the act to grant a waiver.

California officials already had laid the groundwork to sue EPA, assuming weeks ago the agency would deny the request. State officials said they plan to file suit as soon as the ruling is published in the Federal Register in the next few weeks.

California Air Resources Board Chairwoman Mary Nichols called Johnson's justification "flimsy." State Attorney General Jerry Brown said he believes the courts will agree with the state's rationale for taking action, given the potential impacts on the state from global warming.

"It is completely absurd to assert that California does not have a compelling need to fight global warming by curbing greenhouse gas emissions from cars," Brown said.

The decision thrilled automakers, who have been fighting California's new rules in court and lobbying the administration to oppose the waiver. Automakers insist it will be too difficult to comply with 50 different state standards.

"We commend EPA for protecting a national, 50-state program," said Dave McCurdy, president of the Alliance of Automobile Manufacturers.

The EPA announced its decision at an unusual news conference held at 6:30 p.m. EST, long after most news networks had finished work on their broadcasts. Johnson called Gov. Arnold Schwarzenegger just moments before the announcement, a call aides described as "terse."

Schwarzenegger complained that while the new federal law is a good step, it is not as far-reaching as California's efforts to dramatically cut emissions from all sources by 2050.

"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," he said in a statement.

Environmentalists said California's law is stronger than the new federal standards because it requires a 30 percent reduction in emissions four years before the federal law requires those cuts.

David Doniger, director of the Climate Policy Center for the Natural Resources Defense Council, said the EPA's ruling is flawed because the new energy law specifically allows states to set stronger standards.

"The energy law only sets a fuel-economy floor," he said. "It requires the administration to set standards of 'at least 35 miles per gallon,' expressly giving the administration the power to go farther. And the law expressly preserves California's authority under the Clean Air Act to set independent, stronger standards."

But the ruling will probably set back California's efforts to implement its rules, even if the state ultimately prevails in court. The law starts with 2009 model-year vehicles, which arrive in showrooms at the end of next year. Nichols said the state still has enough time to implement the rules if the courts act quickly.

Sierra Club attorney David Bookbinder said even if there is a yearslong delay, "in the end, either the court will rule for us or Congress will step in or the next administration will change it," he said.

He said the Sierra Club and other groups, which have joined California in the waiver application, would sue to overturn Johnson's decision in the U.S. Court of Appeals in Washington, D.C., which has jurisdiction over the EPA's decision.

Although that court ruled in the EPA's favor in an earlier case over regulation of greenhouse gases, a ruling that the Supreme Court overturned in April, Bookbinder said he was confident of a favorable appellate decision.

Johnson is "dead wrong on the law," Bookbinder said.

Johnson also is likely to get an unfriendly reception on Capitol Hill. Boxer said Wednesday she plans to call the EPA administrator to explain his decision at a hearing in January.

California officials complained that EPA's decision-making process for the waiver was tainted months ago when documents revealed that Transportation Secretary Mary Peters led a lobbying campaign to urge lawmakers to call the EPA and oppose the waiver request.

Automakers have been meeting regularly at the White House to discuss the new fuel-economy standards. The Detroit News reported that Vice President Dick Cheney met with the CEOs of Chrysler and Ford this fall to try to influence the policy.

Johnson dodged a reporter's question Wednesday about the meetings between Cheney and the auto executives. But he added: "My decision was an independent decision."

Emissions limits

Background: California asked the EPA to grant a waiver to implement its rules to cut greenhouse gas emissions from cars and trucks; 16 other states are pursuing similar rules.

What happened: EPA Administrator Stephen Johnson rejected the request, saying California's rules are no longer needed now that Congress has passed new fuel-economy legislation.

What's next: California plans to sue EPA in federal court to overturn the decision, arguing that the state has authority under the Clean Air Act to set stronger standards.

EPA rejects state's plan to curb emissions

Schwarzenegger pledges lawsuit to overturn decision

By Frank Davies, MEDIANEWS STAFF

in the Tri-Valley Herald, Thursday, December 20, 2007

WASHINGTON — The U.S. Environmental Protection Agency blocked California's pioneering plan to reduce greenhouse gas emissions from vehicles on Wednesday, setting the stage for a national election-year battle over global warming.

It was the first time the EPA has rejected any state's effort to regulate pollution. California officials promised to appeal the decision in the courts and to Congress. California will have allies. Twelve other states have adopted California's stringent standards, and the governors of four other states are planning to do so. The standards would reduce emissions by 30 percent by 2016 and would encourage new automobile and fuel technologies.

"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," Gov. Arnold Schwarzenegger said in a statement. "We will continue to fight this battle. ... We will sue to overturn today's decision."

Stephen Johnson, EPA administrator, defended his decision by describing the new energy bill, signed Wednesday by President Bush, as "a clear national solution" with higher fuel economy mandated by 2020. That was better than "a confusing patchwork of state rules," he said.

The energy bill "achieves the greatest greenhouse reductions in the history of the United States," Johnson said.

But state officials and environmental advocates said Johnson was using the energy bill, which had energy conservation as its primary goal, as cover to continue the Bush administration's steady refusal to allow any mandatory limits on greenhouse gas emissions.

Johnson's decision was also a major victory for auto companies. It marked the first time in the 40-year history of the Clean Air Act that the EPA turned down California's request to enact a

pollution regulation tougher than the federal standard. The act allows California to enact more stringent rules if it gets a waiver from the EPA.

California's two senators, both Democrats, reacted swiftly to the decision. Dianne Feinstein called it "disgraceful," adding that "passage of the energy bill does not give the EPA a green light to shirk its responsibility to protect the health and safety of the American people from pollution."

Sen. Barbara Boxer, who chairs the Environment Committee, said she would support a move in Congress to overturn the EPA decision, using a states' rights argument, and make it a national issue.

"This is outrageous on its face, and it's going to be an issue in the presidential election," Boxer predicted. "The administration is using an excuse to stop environmental progress."

Johnson said the new energy bill, which mandates an average of 35 mpg for cars and light trucks by 2020, will do enough to reduce global-warming emissions from new cars, and the EPA would not have to issue its own greenhouse gas regulations for vehicles. "Today's legislation," Johnson told reporters, "implements what we were preparing to do from a regulatory standpoint."

The California plan is part of an ambitious effort to reduce all sources of greenhouse gases — one that state officials and supporters said goes far beyond the fuel economy standards of the energy bill.

"Let's be clear; the California standard is stronger and more effective than the 35 mpg floor established in the new energy bill," said David Doniger, climate center policy director for the National Resources Defense Council.

EPA Administrator Johnson informed the governor of the decision about 10 minutes before a conference call with the news media. The two had a conversation lasting less than four minutes, in which the governor expressed disappointment, according to Schwarzenegger's office.

State officials had anticipated the EPA denial for several weeks and have been planning a legal strategy to combat it.

Earlier this year, Secretary of Transportation Mary Peters urged members of Congress to oppose the California plan, and auto executives met with Vice President Dick Cheney and other administration officials to oppose it.

Johnson sidestepped a question about White House involvement, saying he had made "an independent decision" on the waiver request after "many hours of briefings from my staff."

The state's position was bolstered this year by a Supreme Court decision and two federal court rulings that backed EPA authority — and by extension, the states — to regulate greenhouse gas emissions as air pollution under the Clean Air Act.

Attorney General Jerry Brown said, "There is absolutely no legal justification for the Bush administration to deny this request. Gov. Schwarzenegger and I are preparing to sue at the earliest possible moment."

Mary Nichols, chairwoman of the state's Air Resources Board, said Johnson's argument that having states set their own policies apart from the federal government creates a "confusing patchwork of state rules" was inaccurate.

"There's no patchwork of programs here. There's the California standard, which has now been adopted by 17 states, and then there's no standard, which is what the federal government has," Nichols said. "As the governor said, we will sue and sue and sue again until we get our legal rights."

Auto companies praised the EPA decision.

Greg Martin, spokesman for General Motors, said the decision "hopefully will allow us to focus on meeting the tough, new fuel economy standards within the energy bill.

"California's request to administer standards for motor vehicle emissions of carbon dioxide are, in fact, fuel economy standards," Martin added. "The federal government has been and should continue to be the focal point of such requirements."

The California Motor Car Dealers Association also supported the new fuel economy rules and the EPA decision.

Supporters of the California standard said the issue is no longer just the auto companies and Bush administration officials against California. Twelve states — Connecticut, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington — have adopted the California emissions standards.

In recent months the governors of Arizona, Colorado, Florida and Utah have said they planned to do the same.

The U.S. Environmental Protection Agency on Wednesday denied a request by the state of California to implement Assembly Bill 1493.

What the bill would do

It mandates a reduction in carbon emissions — 22 percent by 2012 and 30 percent by 2016 — by setting tougher emission standards on cars and trucks starting with 2009 models.

The standards:

For passenger cars and light trucks, dropping from 323 grams in 2009 to 205 in 2016.

For sport utility vehicles and light trucks, dropping from 439 grams in 2009 to 332 in 2016 .

How it would be accomplished

The regulations don't mandate a specific technology, though they suggest that "several technologies stand out as providing significant reductions in emissions at favorable costs." These include:

More sophisticated engines such as variable-valve and lift

Turbo-charging that can boost power from smaller engines

The use of continuously variable or other advanced transmissions

Better air conditioning systems that don't leak and use a different refrigerant

Source: MediaNews reporting

EPA halts state emissions plan

Administrator says new national requirements are sufficient; California promises fight in courts, Congress

By Frank Davies, MediaNews Washington Bureau
In the Contra Costa Times, Thursday, Dec. 20, 2007

WASHINGTON -- The U.S. Environmental Protection Agency on Wednesday blocked California's pioneering plan to reduce greenhouse gas emissions from vehicles, setting the stage for a national election-year battle over global warming.

It was the first time the EPA has rejected any state's effort to regulate pollution, and California officials promised to appeal the decision in the courts and to Congress. California will have allies -

- 12 other states have adopted California's stringent standards, and the governors of four other states are planning to do so. The standards would reduce emissions by 30 percent by 2016 and would encourage new automobile and fuel technologies.

"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," Gov. Arnold Schwarzenegger said in a statement. "We will continue to fight this battle ... we will sue to overturn today's decision."

Stephen Johnson, the EPA administrator, defended his decision by describing the new energy bill, signed Wednesday by President Bush, as "a clear national solution" with higher fuel economy mandated by 2020. That was better than "a confusing patchwork of state rules," he said.

The energy bill "achieves the greatest greenhouse reductions in the history of the United States," Johnson said.

But state officials and environmental advocates said Johnson was using the energy bill, which had energy conservation as its primary goal, as cover to continue the Bush administration's long-held refusal to allow any mandatory limits on greenhouse gas emissions.

Johnson's decision was also a major victory for auto companies and marked the first time in the 40-year history of the Clean Air Act that the EPA turned down California's request to enact a pollution regulation tougher than the federal standard. The act allows California to enact more stringent rules if it gets a waiver from the EPA.

California's senators reacted swiftly to the decision. Sen. Dianne Feinstein called it "disgraceful," adding that "passage of the energy bill does not give the EPA a green light to shirk its responsibility to protect the health and safety of the American people from pollution."

Sen. Barbara Boxer, who is chairwoman of the Environment Committee, said she would support a move in Congress to overturn the EPA decision, using a states' rights argument, and make it a national issue.

Johnson said the new energy bill, which mandates an average of 35 miles per gallon for cars and light trucks by 2020, did enough to reduce global warming emissions from new cars, and the EPA would not have to issue its own greenhouse gas regulations for vehicles. "Today's legislation implements what we were preparing to do from a regulatory standpoint," he said.

The California plan is part of an ambitious effort to reduce all sources of greenhouse gases -- one that state officials and supporters said goes far beyond the fuel economy standards of the energy bill.

"Let's be clear: The California standard is stronger and more effective than the 35 mpg floor established in the new energy bill," said David Doniger, climate center policy director for the National Resources Defense Council.

Johnson informed the governor of the decision about 10 minutes before a conference call with the media. The two had a conversation, in which the governor expressed his disappointment, according to Schwarzenegger's office.

State officials had been anticipating the EPA denial for several weeks and have been planning a legal strategy to combat it. Earlier this year, Secretary of Transportation Mary Peters urged members of Congress to oppose the California plan, and auto executives met with Vice President Dick Cheney and other administration officials to oppose it.

Johnson sidestepped a question about White House involvement, saying he had made "an independent decision" on the waiver request after "many hours of briefings from my staff."

State Attorney General Jerry Brown said "there is absolutely no legal justification for the Bush administration to deny this request. Gov. Schwarzenegger and I are preparing to sue at the earliest possible moment."

Mary Nichols, chairwoman of the state Air Resources Board, said that Johnson's argument of having states set their own policies apart from the federal government creates a "confusing patchwork of state rules" was inaccurate.

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- More sophisticated engines such as variable-valve and lift
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- The use of continuously variable or other advanced transmissions
- Better air-conditioning systems that don't leak and use a different refrigerant

-- *MediaNews*

EPA Chief Denies Calif. Limit on Auto Emissions Rules Would Target Greenhouse Gases

By Juliet Eilperin, Washington Post Staff Writer

Washington Post Thursday, December 20, 2007

Environmental Protection Agency Administrator Stephen L. Johnson yesterday denied California's petition to limit greenhouse gas emissions from cars and trucks, overruling the unanimous recommendation of the agency's legal and technical staffs.

The decision set in motion a legal battle that EPA's lawyers expect to lose and demonstrated the Bush administration's determination to oppose any mandatory measures specifically targeted at curbing global warming pollution. A total of 18 states, representing 45 percent of the nation's auto market, have either adopted or pledged to implement California's proposed tailpipe emissions rules, which seek to cut vehicles' greenhouse gas emissions by 30 percent between 2009 and 2016.

In a telephone news conference last night, Johnson said he thinks that the higher fuel-economy standards and increased renewable-fuel requirements in the energy bill President Bush signed into law yesterday will do more to address global warming than imposing tailpipe rules in individual states.

"The Bush administration is moving forward with a clear national solution, not a confusing patchwork of state rules, to reduce America's climate footprint from vehicles," Johnson said. "President Bush and Congress have set the bar high, and, when fully implemented, our federal fuel-economy standard will achieve significant benefits by applying to all 50 states."

The new mileage standard mandated by Congress is aimed at reducing gasoline consumption, which will reduce vehicles' overall "carbon footprint," but California's rules would target total greenhouse gas emissions, including those that stem from auto air conditioning units. Experts said tailpipe regulations are a more comprehensive way to address vehicles' contribution to greenhouse gases.

Johnson said that California standards would produce a mileage average of 33.8 mpg by 2016, while the new federal energy law would require an average fleet fuel economy of 35 mpg by 2020. But California officials said EPA had miscalculated, estimating that its emissions standard would achieve an average of at least 36 mpg by 2016.

Environmentalists and state officials lambasted Johnson's decision and pledged to sue to overturn it. In the past three months, federal judges in Vermont and California have twice rebuffed automakers' attempts to block state tailpipe regulations. The auto industry had also lobbied the White House and EPA to block the California regulation, and the Detroit News reported that chief executives of Ford and Chrysler met with Vice President Cheney last month to discuss the issue.

"By refusing to grant California's waiver request for its new motor vehicle standards to control greenhouse gas emissions, the administration has ignored the clear and very limited statutory criteria upon which this decision was to be based," said S. William Becker, executive director of the National Association of Clean Air Agencies, which represents officials in 48 states. "Instead, it has issued a verdict that is legally and technically unjustified and indefensible."

EPA's lawyers and policy staff had reached the same conclusion, said several agency officials familiar with the process. In a PowerPoint presentation prepared for the administrator, aides wrote that if Johnson denied the waiver and California sued, "EPA likely to lose suit."

If he allowed California to proceed and automakers sued, the staff wrote, "EPA is almost certain to win."

The technical and legal staffs cautioned Johnson against blocking California's tailpipe standards, the sources said, and recommended that he either grant the waiver or authorize it for a three-year period before reassessing it.

"Nobody told the administration they support [a denial], and it has the most significant legal challenges associated with it," said one source, in an interview several hours before Johnson's announcement, who spoke on the condition of anonymity because the official is not authorized to speak for the agency. "The most appropriate action is to approve the waiver."

Asked about his aides' recommendations, Johnson said, "My staff provided me a range of options, with a lot of pros and cons with each of these options."

Frank O'Donnell, who heads the advocacy group Clean Air Watch, noted that Johnson's announcement came shortly after yesterday's bipartisan celebration at the White House of the new energy law.

"Only hours after having a love fest over the energy bill, the Bush administration turned it into a hate fest for California and more than a dozen other states seeking to limit greenhouse gases from motor vehicles," O'Donnell said.

Rep. Henry A. Waxman (D-Calif.), who chairs the House Oversight and Government Reform Committee, vowed to scrutinize Johnson's ruling. The EPA has yet to produce the "decision documents" it customarily presents to outline its justification for a new ruling.

"EPA's decision ignores the law, science and common sense," Waxman said in a statement. "This is a policy dictated by politics and ideology, not facts. The committee will be investigating how and why this decision was made."

California, which is allowed under the Clean Air Act to set its own air pollution policies as long as it obtains an exemption from the federal government, had never been denied a waiver in the law's 37-year history.

Solidarity for Bush, Democrats

Looking Past Disputes, Sides Join Together to Enact Energy Bill

By Peter Baker, Washington Post Staff Writer
Washington Post Thursday, December 20, 2007

After a year of partisan combat and legislative stalemate, President Bush and Democratic congressional leaders came together yesterday for a holiday season consensus as they enacted legislation to promote energy efficiency and reduce greenhouse gas emissions.

House Speaker Nancy Pelosi (D-Calif.) and Senate Majority Leader Harry M. Reid (D-Nev.) joined Bush for their first bill-signing ceremony with him since Democrats took over Congress in January, using the occasion to look past the disputes that marked a year of divided government.

"The legislation I'm about to sign should say to the American people that we can find common ground on critical issues," Bush said with Pelosi, Reid and other Democrats at his side during the event at the Energy Department headquarters. "And there's more we can accomplish together."

The rare show of solidarity followed a year of clashes over the war in Iraq, children's health care, spending priorities and other issues. Bush has vetoed six bills this year, compared with the one veto he issued during his first six years in office when Republicans controlled one or both chambers of Congress. Democrats have complained bitterly that he does not accept the mandate they claimed after last year's midterm elections. But along the way, many Americans have grown disenchanted with the Washington impasse, and public support for Congress has fallen to levels as low or lower than that for Bush.

Even the energy legislation that Bush signed yesterday emerged only after a stare-down over \$21 billion in tax increases that lawmakers had included until the president threatened to veto if they did not remove them. But by the time they showed up for the ceremony, both sides were focused on the areas of agreement and claiming credit for pushing it through.

The new law increases the fuel-efficiency standards for passenger vehicles for the first time since 1975, requiring new cars to average 35 miles per gallon by 2020 instead of the 25 mpg now required. It also requires fuel producers to use at least 36 billion gallons of ethanol and other biofuels by 2022, a fivefold increase over the current standard, to reduce the dependence on oil. And it includes new rules and incentives to encourage greater efficiency in light bulbs and buildings.

Bush used the occasion to reach out to Pelosi and Reid. "I appreciate your leadership on this important issue," he told them. Pelosi said later that she was "pleased to join the president at the signing ceremony" and called it a harbinger of future achievements. "It did not come easily," she said during a news conference. "It took a lot of struggle, a lot of convincing. And much more needs to be done. But nothing signaled change more clearly, I think, to the American people than the successful passage of the energy legislation."

Even as they joined together, though, both sides tried to suggest that the other was the follower. Bush noted that he had proposed increasing alternative energy and fuel-efficiency standards in his State of the Union address to reduce projected gasoline consumption by 20 percent over 10 years. The alternative fuel provision that Congress ultimately passed largely tracked his proposal, although it permitted producers five extra years to meet the goal.

Bush went on to note that he called for higher fuel-efficiency standards in his speech. "The bill I'm about to sign delivers on that request," he said. But in fact, Bush proposed giving his administration the authority to set the standard for cars. "Congress should not legislate a particular numeric fuel economy standard," the White House said in a position paper at the time. Congress did just that by setting the 35 mpg standard.

Those were distinctions lost in the comity of the moment. Asked whether the bill-signing ceremony signaled the first of many, Reid spokesman Jim Manley said, "Hope springs eternal."

Arnold backs port container fee

By Kristopher Hanson, Staff Writer
LA Daily News, Thursday, Dec. 20, 2007

LONG BEACH - Days after port authorities approved a \$35 environmental fee on containers shipped through Southern California's harbors, Gov. Arnold Schwarzenegger said Wednesday that he would support a similar fee at the state level.

Schwarzenegger, who previously said container fees would hurt the economy, now considers them an option to help fund trade-related infrastructure and environmental programs.

"I think fees are good; we just have to work it out with the various stakeholders," Schwarzenegger said during a visit with U.S. Treasury Secretary Henry Paulson Jr.

"It's extremely important that we find a way to create economic development and increase trade, but at the same time take care of our environment."

The governor's policy shift comes as California grapples with an ailing goods-movement infrastructure and growing health problems linked to diesel pollution.

The ports of Long Beach and Los Angeles, which together handle more than 40 percent of the nation's international trade, are listed by air quality regulators as the largest fixed source of air pollution in California.

After vetoing a proposed \$30 container fee in 2006, the governor in September withheld his signature from a similar bill, saying he would work during the legislative off-season to develop a program that allows private industry to help fund infrastructure repairs.

Since then, Schwarzenegger has worked with state Sen. Alan Lowenthal, D-Long Beach, to drum up support for the bill, which would assess a \$30 fee on every container handled at the ports of Long Beach, Los Angeles and Oakland.

The estimated \$500 million generated annually would be spent on infrastructure projects such as rail improvements and programs that reduce the health impact of air pollution caused by the transportation industry.

Health studies link diesel pollution from trains, trucks and freight ships to increased asthma, cancer and heart disease rates.

Dems will investigate EPA's decision on California emissions law

By ERICA WERNER , Associated Press Writers
Tri-Valley Herald, Thursday, December 20, 2007

WASHINGTON — Congressional Democrats on Thursday announced an investigation of the Environmental Protection Agency's refusal to let California implement its tailpipe emissions law, and Gov. Arnold Schwarzenegger announced his intent to appeal.

They were the first steps in what promises to be a fierce legal and political battle over EPA's move to block California and at least 16 other states from regulating greenhouse gas emissions from new cars and trucks.

House Oversight and Government Reform Committee Chairman Henry Waxman, D-Calif., sent a letter to EPA Administrator Stephen L. Johnson demanding "all documents relating to the California waiver request, other than those that are available on the public record."

Waxman told Johnson to have EPA staff preserve all records. The decision against California "appears to have ignored the evidence before the agency and the requirements of the Clean Air Act," Waxman wrote, citing a report in the Washington Post that Johnson overruled the agency's professional staff in making his decision. Waxman asked for all the relevant documents by Jan. 23.

Johnson on Wednesday denied his decision was political, saying it was based on legal analysis of the Clean Air Act and that his staff presented him with a "range of options."

"The agency will respond to the chairman regarding the administrator's decision and his support for a clear, national solution to reduce greenhouse gas emissions from American vehicles," EPA spokeswoman Jennifer Wood said Thursday. "EPA strongly supports the oversight authority of Congress."

President Bush stood behind his EPA administrator.

"The question is how to have an effective strategy. 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," Bush said at a news conference Thursday.

Johnson said California's emissions limits weren't needed because Congress just passed energy legislation raising fuel economy standards nationwide.

"The director in assessing this law and assessing what would be more effective for the country said we now have a national plan," said Bush. "It's one of the benefits of Congress passing this legislation."

Johnson's long-awaited announcement provoked applause from the auto industry, but an outcry of protest from environmentalists, congressional Democrats and officials in California and other affected states.

Schwarzenegger on Thursday moved forward on plans for a lawsuit, announcing the state would file an appeal within three weeks in the federal appeals court in Washington, D.C..

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

The tailpipe standards California adopted in 2004 would have forced automakers to cut greenhouse gas emissions by 30 percent in new cars and light trucks by 2016, with the cutbacks beginning in the 2009 model year.

Under the Clean Air Act, the state needed a federal waiver to implement the rules, and other states could then adopt them too.

Johnson said a better approach was new energy legislation requiring automakers to achieve an industrywide average fuel efficiency for cars, SUVs and small trucks of 35 miles per gallon by 2020. He said California's law would have yielded a 33.8 mpg standard, but California Air Resources Board chair Mary Nichols disputed that, saying the California regulations would have resulted in a 36.8 miles per gallon average and would have taken effect sooner than the federal standards.

California's law also would have affected a wider array of emissions, including those from vehicle air conditioners.

In a conference call Thursday House Energy and Commerce Committee Chairman John Dingell, D-Mich., a top protector of the auto industry, said he had not reviewed the EPA's decision and couldn't provide "a good comment" but praised the energy bill signed by Bush, noting that "we are going to have a very significant reduction in energy use and greenhouse gas emissions."

The auto regulations were to have been a major part of California's first-in-the-nation global warming law which aims to reduce greenhouse gases economy-wide by 25 percent - to 1990 levels - by 2020. The auto emission reductions would have accounted for about 17 percent of the state's proposed reductions.

Nichols said California expects to win on appeal and does not plan to shift its strategy on meeting greenhouse gas reduction goals.

Twelve other states - Connecticut, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington - have adopted the California emissions standards, and the governors of Arizona, Colorado, Florida and Utah have said they also plan to adopt them. The rules were also under consideration in Iowa.

It was the first time EPA had completely denied California a Clean Air Act waiver request, after granting more than 50.

EPA rebuffs state on warming

Lawsuit vowed after waiver on emission limits is denied.

By Dale Kasler

Sacramento Bee, Thursday, December 20, 2007

Ratcheting up a fight between Washington and Sacramento over global warming, the Bush administration Wednesday blocked a landmark California law aimed at curtailing greenhouse gas emissions from motor vehicles.

The decision by U.S. Environmental Protection Agency Administrator Stephen Johnson doesn't mean the end of the dispute. Within minutes of the announcement, Gov. Arnold Schwarzenegger and Attorney General Jerry Brown, who had been bracing for the EPA's rejection, promised to sue the federal government.

Johnson said California's law was pre-empted by the new national energy bill signed earlier Wednesday by President Bush. That bill increases fuel economy from 27.5 mpg to 35 mpg by 2020, resulting in "some of the largest greenhouse gas emission cuts in our nation's history," Johnson said.

That's far more effective than "a partial, state-by-state approach," he said in a conference call with reporters. "It is a global problem that requires a clear, national solution."

But California officials and their allies in the environmental movement argued that the state's law, passed in 2002, was stronger. It would cut emissions to roughly the same level as required by the U.S. law but would do so by 2016, or four years sooner – a critical difference given the urgency of the problem, they said. It also provides for deeper cuts in emissions in future years.

As for the claim about a piecemeal approach, state officials said other states can – and often do – follow California's lead, creating a bandwagon effect that sweeps the nation.

California is the only state with the right to set its own air emissions standards, but it needs a waiver from the EPA to do so. Once a waiver is granted – as it has been more than 40 times in the past 40 years – other states can piggyback on California's move and adopt identical rules. Already 12 states had adopted copycat laws on greenhouse gas emissions; five or six more were in the process of doing so.

Now all are on hold.

Wednesday's decision marked the first time the EPA had flatly refused California's waiver request, said a spokesman for the state's Air Resources Board.

"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," Schwarzenegger said in a press release. "We will continue to fight this battle."

The California law, AB 1493, was supposed to take effect with the 2009 model year. It is key to the state's crusade against climate change. Cutting motor vehicle emissions would account for one-sixth of the greenhouse gas reductions required by another bill, AB 32, the high-profile global warming law signed by Schwarzenegger last year.

Johnson said he called Schwarzenegger Wednesday afternoon to inform him of his decision to block AB 1493 and to thank him for California's leadership on global warming, which he said helped nudge Congress to enact the energy bill. Schwarzenegger's press secretary, Aaron McClear, said the call came 30 minutes before Johnson's announcement. He called the conversation "terse."

Other officials were swift in their condemnation. Sen. Dianne Feinstein, D-Calif., called it "disgraceful" and said the new national energy bill doesn't give the EPA the right to abandon its responsibility to regulate air pollution. Feinstein was a key player in crafting the federal law.

"We're deeply disappointed that the administrator chose to deny the waiver, and we're even more discouraged that he did it on such flimsy grounds," said Mary Nichols, chairman of the state Air Resources Board.

Environmentalists said it was vital California be allowed to continue in its role as environmental trailblazer. By rejecting the waiver, the administration is "sticking their thumb in the eye of 18 governors from red and blue states," said attorney David Doniger of the Natural Resources Defense Council, which helped California fend off lawsuits filed by the world's automakers challenging the state law.

Bay Area air district approves grants to fight greenhouse gases

By JULIANA BARBASSA, Associated Press Writer
In the S.F. Chronicle, Wednesday, December 19, 2007

San Francisco (AP) -- Bay Area air pollution officials are tackling global climate change on the local level, approving on Wednesday a \$3 million grant program designed to reduce greenhouse gas emissions in the region.

The Bay Area Air Quality Management District will hand out 53 grants of as much as \$75,000 each, hoping to cut back polluting gases by 350,000 tons within the next five years.

"Climate change is a global issue, but the gases are created locally," said Karen Schkolnick, agency spokeswoman.

The scope of this grant program puts the Air District among the top funders of climate protection programs in the country, officials said.

Some of the projects funded will have immediate impact, such as the city of Berkeley's program offering low-interest loans for the installation of solar panels in homes, or a similar project that would install solar panels in Contra Costa County homes.

Many others aim for long-term improvements. Several cities will use the money to integrate climate protection measures, such as promoting green building or developing new housing near public transportation routes, into the general development plan.

"This will ensure that as the jurisdiction grows, it will include measures to ensure a reduction in greenhouse gases," Schkolnick said,

Others have a strong educational component. In Sonoma County, sixth-graders would be trained to make energy-reduction upgrades in homes.

The Marin Conservation Corps will get \$25,000 to invest in a creative educational program currently in 24 schools.

The "Cancel a Car" project teaches elementary and middle school students ways to reduce their family's carbon footprint. The kids then bring coupons to school showing steps they've taken, such as substituting light bulbs for more efficient ones, or turning down the thermostat. The reduction is added up, and once the pounds of carbon dioxide saved by the school equals the amount spewed by a car, teachers cross off a car from a large banner on display.

"It lets students quantify the amount of carbon dioxide emissions that are reduced through the program," said Sandy Wallerstein, with the Marin Conservation Corps. "Helping youth take care of the planet is a long-term investment."

Air districts are generally concerned with other air quality issues, such as the small specks called particulate matter that plague the atmosphere in the winter, or the ozone that contributes to summer smog.

But air officials said many of the measures that help improve greenhouse gases also improve air quality, and they felt it was better to take action locally than wait for the federal government to take steps on the issue.

"We are not going to wait for the Bush administration or a treaty in Bali before we take action on global warming," Mark Ross, a Martinez city councilman who is chairman of the Bay Area Air Quality Management District Board, told the Contra Costa Times. "It's a problem that affects all of us."

Air district officials fund 53 projects to cut greenhouse gases

Peter Fimrite, Chronicle Staff Writer

San Francisco Chronicle, Thursday, December 20, 2007

Bay Area air quality officials marched to the forefront of the global warming fray Wednesday, awarding 53 grants worth \$3 million for projects aimed to reduce greenhouse gas emissions in the region.

The grants, of as much as \$75,000 apiece, will go to cities, counties and environmental organizations to fund efforts from educational programs for children to Berkeley's wide-ranging financing scheme to place solar panels on homes, said Karin Schkolnick, spokeswoman for the Bay Area Air Quality Management District.

The goal of the Climate Protection Grant Program, Schkolnick said, is to reduce greenhouse gases in the Bay Area by 350,000 tons within the next five years - roughly the amount of carbon dioxide spewed by 70,000 cars driven each day for a year.

"This program is about getting this money out there so that communities and nonprofits and other agencies can start doing the amazing things they've wanted to do but haven't had the funds," Schkolnick said, "things that will not only benefit the community but have a much broader effect by reducing greenhouse gases."

The move is the regional district's most far-ranging effort to address global warming issues, and it is believed to be the largest program of its kind in the nation. The 53 grants were selected out of a total of 80 applications.

Much of the funding will go toward projects by cities that will be incorporated into five-year general plans. Among them are efforts to place new housing closer to transportation, to reduce solid waste, increase recycling and build more environmentally friendly, or "green," homes.

Projects with more immediate impacts on the environment include Berkeley's innovative plan to establish special 20-year property tax assessments to allow homeowners to pay for the installation of solar panels. The program includes incentives to reduce household energy by installing energy-efficient appliances.

A similar solar panel project is being funded in Contra Costa County.

The money also went to youth programs, including one in Sonoma County in which sixth-graders are trained to make changes in their homes that reduce energy consumption.

In addition, the Marin Conservation Corps will get \$25,000 for its Cancel-a-Car program being taught to elementary and middle school students in 24 schools. The students in this program make energy-reducing changes to their homes - and the carbon dioxide saved is added up until it equals the amount that a car spews into the environment.

The money also will be used to train youths in West Oakland to plant shade trees in their neighborhoods. It will also help citizens around the Bay Area conduct energy audits of neighbors and their own homes, Schkolnick said.

The grant program was developed over the past two years after air district officials decided they couldn't wait any longer for the federal government to begin protecting the climate.

"This will absolutely have an impact, but it is not enough," Schkolnick said. "We need more people, more private companies, individuals and foundations. More needs to be done, but we have to start. This is a really good start."

Air Quality Regulators Approve Grant Program

Associated Press

In the Contra Costa Times, Thursday, Dec. 20, 2007

Bay Area air pollution officials, tackling global climate change on the local level, on Wednesday approved a \$3 million grant program designed to reduce greenhouse gas emissions in the region.

The Bay Area Air Quality Management District will hand out 53 grants of as much as \$75,000 each, hoping to cut back polluting gases by 350,000 tons within the next five years.

The scope of this grant program puts the air district among the top funders of climate protection programs in the country, officials said.

Some of the projects funded will have immediate effects, such as the city of Berkeley's program offering low-interest loans for the installation of solar panels in homes, or a similar project that would install solar panels in Contra Costa County homes.

Many others aim for long-term improvements. Several cities will use the money to integrate into general plans climate protection measures, such as promoting green building or developing new housing near public transportation routes.

[Fresno Bee editorial, Thursday, December 20, 2007:](#)

Public must raise awareness

We are all responsible for the poor quality of the Valley's air.

Public awareness of the Valley's air quality problems is high, but it isn't matched by a similar level of understanding and engagement. That's the troubling conclusion of a new report from the Central Valley Health Policy Institute at California State University, Fresno, that was released Tuesday.

And that has to change. Serious public policy debates are going on all the time about what to do to clean up the Valley's air. In the absence of an informed and engaged public, special interests will dominate that debate and its outcomes. That isn't necessarily the best thing for most Valley residents -- but it's the situation that exists today.

Regulatory agencies, like all human institutions, tend to pay the most attention to the loudest and most powerful voices. In the process, the public interest is often subordinated to the desires of the special interests. The way to change that is to create a well-informed civic body that is not shy about making its wishes known to the policymakers and other officials.

In other words, only the public can ensure that the public interest is served.

But the public must have a clear understanding of what's at stake and why, before it can define its own best interest. That means doing homework. The media have an obligation to help, but the real power lies in the peoples' hands -- especially those who vote. Policymakers at every level are keenly responsive to public voices -- if they make themselves heard in sufficient numbers. Policymakers can be reminded who put them in office and who keeps them there.

That's lesson No. 1: Keep the pressure up.

The problem goes beyond institutional responses to air quality issues, of course. In the end, we'll have cleaner air when everybody -- or nearly everybody -- starts making changes in the behavior that got us in trouble in the first place.

There are a million ways individuals can alter behavior for cleaner air. Walk or ride a bike; don't drive so much. Replace older, dirtier vehicles. Keep newer vehicles well-maintained. Insist on efficient, convenient and timely mass transit. Carpool. Don't use lighter fluid for barbecues. Keep paint cans tightly closed. Don't burn wood on bad air days. Give up the gas-powered lawn equipment.

Demand that city and regional planners keep air quality in the forefront of their work. Support denser residential development and more green space. Keep the proper amount of air in your vehicle's tires. Go solar.

Support efforts to create a clean-air industry in the Valley. There are economic development possibilities in addressing air pollution. Some of that work is already under way. More would be welcome. Why shouldn't the Valley go from poster child for dirty air to world center of research and technology for clean air?

Demand more attention -- and funding -- from the state and federal governments. The Valley historically has been shortchanged when it comes to such funding. Insist on a fair share for this region.

Some of these things are easy and cheap. Others will be hard and expensive. We must all insist that the costs be fairly spread to all of the Valley's residents. Don't point fingers at others and try to stick them with the burden of cleaning the air. We are all responsible for the poor quality of the Valley's air. We must all bear the cost and the burden of cleaning it up.

[Tracy Press Editorial, Wednesday, December 19, 2007](#)

Bush's EPA smothers California's tailpipe emissions law.

Thank goodness, Gov. Arnold Schwarzenegger isn't finished suing the Bush administration over state control of tailpipe emissions. The decision Wednesday by Stephen Johnson, administrator of the Environmental Protection Agency, to deny a waiver to our state is a slap in the faces of Californians who are concerned with the human footprint they're making on future Earth.

Johnson's denial has invigorated California Attorney General Jerry Brown's legal team to file more court papers against the EPA, this time to overturn the waiver denial that would have allowed California and 16 other states to set stricter vehicle emissions standards than federal requirements.

It was convenient for Johnson to announce his waiver denial within hours of President Bush's signing of the energy bill, which sets a minimum 35-mpg fuel economy standard in autos, SUVs, vans and light trucks by 2020. That will be a 40 percent increase in miles per gallon from the standard that will by then be more than three decades old. To achieve this, automakers will have to make their car engines more efficient, meaning less emission.

The California requirement to decrease emissions by 22 percent by the 2012 model year and 30 percent by 2016 was approved by the Legislature and became law in 2004. It would be the law four years before the new federal fuel standard and would require the fuel-efficiency equivalent of 43.7 mpg for cars and 26.9 mpg for pickups, SUVs and larger vehicles.

U.S. automakers claim the task, beginning with the 2009 cars, is too daunting and too economically devastating. Their whining reached the White House, the EPA and both chambers of Congress. Fortunately, an amendment that would have allowed the energy bill's 35-mpg standard to undercut California's emissions law wasn't in the final bill that Bush signed. But that didn't matter. The White House and Johnson conjured up their own legal interpretation that will be tested in federal court, where the Supreme Court recently quashed the EPA's phony belief that greenhouse gas emissions from vehicle tailpipes aren't air pollutants. What worries us, and should be a warning to Schwarzenegger and Brown, is that in that case, the justices supported federal jurisdiction of global-warming laws. Could the law signed by Schwarzenegger in 2006 to cut total greenhouse gas emissions in California by 25 percent by 2020 be the next in jeopardy?

[Modesto Bee, Guest Commentary, Wednesday, December 19, 2007](#)

JEWEL GOPWANI: Fuel rule focal point - Lab aims to develop tougher standards

ANN ARBOR, Mich. - Along Plymouth Road, down the street from Pfizer's emptying Ann Arbor drug research center, a laboratory plays a key role in the debate over new standards for vehicle emissions and fuel economy.

Scores of scientists, researchers and economists at the U.S. Environmental Protection Agency's vehicle testing lab have been working since May to help develop new rules aimed at reducing gasoline use. That's on top of the lab's usual responsibilities to test for:

- Fuel economy: To see whether vehicles meet federal standards of 27.5 mpg for cars and 22.2 mpg for trucks and to determine the fuel economy estimates consumers see on car window stickers on dealership lots.
- Emissions: To see whether vehicles meet standards on carbon dioxide and other pollutants.

The EPA's mandate to develop new regulations comes from the Bush administration after the U.S. Supreme Court decided in April that it was the agency's job to regulate carbon dioxide.

"It represents a shift in the government's approach to climate change," said Chris Grundler, deputy director of the EPA's Office of Transportation and Air Quality, which runs the Ann Arbor lab with a \$98 million budget.

Grundler has assigned 50 of the lab staff of 400 to work with their counterparts in Washington, D.C., to prepare a fuel-saving proposal by year's end.

"This is probably the biggest thing we've ever done," he said.

The lab's testing comes when rising gas prices, concerns about global warming and the country's reliance on foreign oil have prompted federal and state governments to move toward tougher fuel economy and emissions standards.

The Senate this week passed a provision calling for tougher fuel economy standards; it now goes to a vote in the U.S. House of Representatives. In addition, 17 states are fighting legal battles to implement separate emissions standards. And, President George W. Bush has charged the EPA and other federal agencies with developing new rules to reduce 20 percent of the country's gasoline consumption by 2017.

These simultaneous efforts are crucial for the automakers. Although they have acknowledged that change is needed, automakers are lobbying against the costliest options.

Before the EPA offers any regulations that affect vehicle emissions, the Ann Arbor lab will determine whether those standards can be met. At the centerpiece of the 250,000-square-foot facility is an oversized treadmill called a dynamometer. The machine measures a vehicle's miles per gallon for city and highway driving and, while the vehicle runs, pipes collect its exhaust to test emissions.

Each year, the EPA tests as many as 120 new vehicles or 15 percent of upcoming vehicle models - relying on automakers to provide their own data for the rest. The lab also tests about 120 models that are already on the road.

The EPA uses that information to arrive at the fuel economy estimates that buyers see on dealers' lots.

One recent change coming out of this lab is that mileage estimates this year started taking into account air-conditioning, quick accelerations and cold weather. That change, which involves new calculations using fuel economy results, has lowered miles-per-gallon estimates by about 12 percent for most vehicles.

Environmental groups say the new EPA tests are a step in the right direction, better reflecting the way people drive.

"The new numbers are certainly more in line with public expectations," said John DeCicco, senior fellow for automotive strategies at the Environmental Defense Fund. But he said that more real-world data must be collected to ensure those numbers accurately reflect gasoline use.

The EPA's data only are reflected in the mileage estimates consumers see. They aren't yet part of the fuel economy numbers that automakers must meet.

The EPA has "made some progress, but there's a lot more progress to be made," said Danielle Fugere, regional program director of Friends of the Earth.

As the EPA tests vehicles today and determines how to regulate them tomorrow, it also is trying to develop technologies that reduce emissions in the future.

The lab's next major effort is to help develop a fleet of UPS hydraulic hybrid delivery trucks that can recover and reuse energy generated by braking, allowing for a 70 percent increase - up to 18 mpg - in fuel economy.

Eventually, Grundler said, the technology can save even more fuel by incorporating it in passenger vehicles.

"We feel very good that the work we do here ... provides enormous benefits to society," he said.

[Merced Sun-Star Editorial, Thursday, Dec. 20, 2007:](#)

Our View: The diesel dilemma

It may be difficult to sacrifice billions of dollars for clean air, but the two may not be mutually exclusive.

Taking older diesel engines out of service is a must in the battle to clean the Valley's air. The older engines pollute fiercely, and the particulate matter they spew into the atmosphere is a primary cause of severe health problems for Valley residents.

The problem is that any effort to replace or retrofit older engines will cost a bundle.

That was the point a group of Valley farmers were making when they showed up at a meeting of officials from the California Air Resources Board in Easton last week, along with several dozen of their older farm vehicles.

The state estimates the vehicles can be replaced for around \$3.5 billion. The trucking industry and farmers say the cost is much higher, more like \$12 billion. Even the lower figure is daunting in a state that faces a structural budget deficit that's now grown to around \$14 billion -- and little hope that a Republican governor and Democratic Legislature can do much meaningful in the way of addressing the shortfall.

One of the problems is that diesel engines are astonishingly durable. Some routinely run up to 1 million miles. It makes little economic sense to replace diesel engines -- or any equipment, for that matter -- when it is still performing well. But the cost of replacement or retrofit is only part of the equation.

Our bad air costs the Valley and its residents more than \$3 billion each year, in premature death, loss of productivity because of illness and even crop damage. That has to be a big part of the calculus of public policy, and too often it isn't.

It's too much to expect farmers and the trucking industry -- especially independent truckers who often operate on a shoestring -- to bear the full burden. We will all benefit from removing older diesel engines, and we should all pay.

But that won't be easy in tough economic times.

Meanwhile, the state air board must write regulations governing diesel emissions. New air quality standards for diesel emissions require that older diesel trucks or their engines be replaced or retrofitted between 2010 and 2020. Newer diesel engines pollute a good deal less than their older cousins, and even cleaner engines will be coming on line in the near future.

Existing programs such as the successful Carl Moyer Program, which has funded the replacement of thousands of stationary diesel engines in the state's fields, could be expanded to cover vehicles as well. Federal matching funds may be available.

Whatever the source, the funds must be found. Vehicle operators must pay a portion of the cost, but the rest of us will be required to help out. Cleaning the Valley's air is good public policy, and that makes it a wise expenditure of public resources.