

## FREQUENTLY ASKED QUESTIONS

## **Climate Change Emissions Standards for Vehicles**

### *actions to reduce greenhouse gases from cars and trucks*

#### **What are California's Motor Vehicle Greenhouse Gas Emissions Standards?**

In September 2004 the California Air Resources Board approved regulations to reduce greenhouse gas emissions from new motor vehicles, based on a law by former Assemblywoman Fran Pavley, signed in 2002. The law directed the Board to adopt regulations that achieve the maximum feasible and cost effective reduction in greenhouse gas emissions from motor vehicles. The regulations establish emission standards for new passenger vehicles and light duty trucks beginning with the 2009 model year.

#### **What are the greenhouse gas benefits expected from the motor vehicle greenhouse gas emissions standards?**

In California alone, officials estimate that the standard will reduce climate change emissions by approximately 30 million metric tons, in 2020 and over 50 million metric tons in 2030. This equates to an overall 18% reduction in climate changes emissions from passenger cars in 2020 and a 27% reduction in 2030. In addition, staff estimates that the regulation will reduce "upstream" smog-forming emissions of hydrocarbons and oxides of nitrogen by approximately 6 tons per day in 2020 and 10 tons per day in 2030.

Reductions from the standards for vehicles in all 12 states that have adopted California's standards will reduce greenhouse gas emissions by 74 million metric tons per year in 2020. Adoption by the six additional states that are considering the policy would increase the total emissions reduction to 100 million metric tons in 2020.

#### **How many other states have adopted California's Motor Vehicle Greenhouse Gas Emissions Standards?**

Eleven states: Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington. Six additional states are actively considering adopting the standards: Arizona, Colorado, Illinois, New Hampshire, New Mexico and North Carolina.

#### **Why does California need a waiver from the U.S. EPA to enforce its own vehicle standards?**

California is the only state, under the Federal Clean Air Act, with the unique ability to set stricter-than-federal standards for vehicles, as long as it gets a waiver from the federal government. The Federal Clean Air Act preempts state and local governments from adopting or enforcing standards to control emissions from new motor vehicles or engines. However, once California receives a waiver of preemption from the federal government, then other states can adopt California's standards.

#### **How long has California been waiting for the U.S. EPA to grant a waiver?**

In December 2005, the California Air Resources Board requested a waiver from the U.S. EPA. In April 2006 and again in October 2006, Governor Arnold Schwarzenegger followed up the request with letters urging swift action. In April 2007, Governor Schwarzenegger met with U.S. EPA Administrator Stephen Johnson to personally request assistance granting California its waiver. In April 2007, the Supreme Court ruled that the U.S. EPA must take action regarding greenhouse gas emissions. In April 2007, the U.S. EPA finally announced two public hearings to consider California's request for a waiver, both in May, one scheduled in Washington D.C. and one in Sacramento.

### **How does the U.S. EPA waiver process work?**

Once California has determined that its state standards are as protective of the public health and safety as applicable federal standards, and has applied for a waiver, the Clean Air Act directs U.S. EPA to provide the opportunity for a hearing and then grant the waiver.

### **What are the reasons that the U.S. EPA would deny a waiver request?**

The U.S. EPA must grant a waiver unless the federal agency makes one of three findings:

1. That California's "protectiveness finding" is arbitrary and capricious;
2. That California does not need its state standards to meet compelling and extraordinary conditions; and
3. That the state standards are not consistent with section 202(a) - part of the Clean Air Act provisions on U.S. EPA's adoption of motor vehicle emission standards. Section 202(a) indicates that (i) the California standards must provide manufacturers with adequate lead time, taking the cost of compliance into account, and (ii) manufacturers must be able to put a vehicle through one set of tests to determine compliance with both the state and federal standards.

### **How many waiver requests has U.S. EPA approved or denied?**

Since 1968, EPA has granted about 50 new (or "full") waivers and about 40 determinations that amendments were within the scope of prior waivers. Five waivers have been denied, the last in 1975. Since 1975, there have been instances where ARB made modifications to regulations where a waiver was pending or, in the case of the Zero Emission Vehicle regulations, where a waiver was granted only until model year 2011, meaning ARB will have to do a new waiver application for model years 2012 and beyond.

### **Does the technology exist to meet the vehicle emissions standards?**

Yes. Technology is in use today to meet the motor vehicle greenhouse gas emissions standards. Even in 2002 when the law was signed, technology was available that could be used by auto manufacturers to reduce their fleet average emissions.

### **Does the U.S. EPA have the authority to regulate greenhouse gases?**

Yes. The U.S. Supreme Court recently ruled that the U.S. EPA had the authority to regulate greenhouse gases, and the obligation to review the mounting scientific data. The court decision countered the U.S. EPA's argument that it could not regulate greenhouse gas emissions because of the "substantial scientific uncertainty" about the harmful effects of greenhouse gas emissions.

In its ruling, the Supreme Court stated that, gases such as carbon dioxide "act like a ceiling of a greenhouse, trapping solar energy and retarding the escape of reflected heat." The Supreme Court indicated that the effects of greenhouse gases on climate and weather are covered under the Clean Air Act as such effects threaten human welfare. Following the ruling, Governor Schwarzenegger expected the U.S. EPA to move quickly now in granting the ARB's request for a waiver.

### **Does the President's Executive Order from 5/14/07 affect California's request for a waiver of preemption?**

No. California's standing under the Clean Air Act does not relieve the U.S. EPA from taking swift action to grant a waiver. Although it appears the Executive Order is an effort by the Federal government to interfere with California's clear right under the Clean Air Act to regulate greenhouse gas pollutants from vehicles, the ARB remains optimistic that the U.S. EPA will grant the waiver.