



Air Resources Board



Matthew Rodriguez
Secretary for
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Edmund G. Brown Jr.
Governor

VIA ELECTRONIC MAIL

January 9, 2012

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington D.C. 20515

Dear Chairman Issa,

I am happy to again provide the Committee with information regarding California's authority to regulate greenhouse gas pollution from vehicles and our role in establishing a historic National Program of harmonized vehicle standards. Please find enclosed responses to the questions in the December 19, 2011 letter from the Committee.

In 2007, the United States Supreme Court affirmed the clear distinction between greenhouse gas emissions and fuel economy, ruling that "EPA has been charged with protecting the public's 'health' and 'welfare,' a statutory obligation wholly independent of DOT's mandate to promote energy efficiency. The two obligations may overlap, but there is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency." *Massachusetts et al. v. Environmental Protection Agency et al.*, 549 U.S. 497, 532 (2007).

Accordingly, in 2009, the President called on those two federal agencies to work together, along with California, to "administer their obligations and yet avoid inconsistency." Thus the federal agencies undertook a joint rulemaking, designed and required to meet "the country's critical need to address global climate change and to reduce oil consumption. EPA is proposing greenhouse gas emissions standards under the Clean Air Act, and NHTSA is proposing Corporate Average Fuel Economy standards under the Energy Policy and Conservation Act. These standards...represent a harmonized and consistent National Program." 74 Fed.Reg. 49454 (September 28, 2009). California voluntarily coordinated its emissions program with the joint federal effort.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

The Honorable Darrell E. Issa
January 9, 2012
Page 2

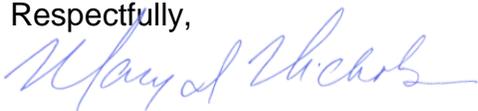
The resulting National Program of harmonized vehicle standards is a seminal achievement in environmental and energy policy, providing exemplary consumer benefit, industry certainty, and good government. This policy reduces government bureaucracy, significantly streamlines compliance and provides crucial long-term certainty for industry, and does more to reduce greenhouse gas pollution and improve American energy security than any other policy in decades. It achieves these state and national goals while saving average American consumers thousands of dollars at the pump and strengthening jobs in the American auto industry.

In our previous response to your questions, we provided over 4,000 pages of documents and communications regarding this process. These included voluminous technical analyses, engineering studies, reports, and model runs, letters between agencies detailing our agreements to work together, and details of hundreds of meetings between agency staff and with manufacturers.

This extensive documentation demonstrates that the rulemaking process to establish the National Program has been thoroughly transparent, open, and rigorous, with extensive stakeholder comment and response and adherence to both the letter and spirit of law. The resulting performance standards are grounded on best science, and developed and vetted not only by three government agencies but also by leading independent research centers and the major American and global vehicle manufacturers.

I believe the enclosed information is responsive to the Committee's inquiry and clarifies California's role in a process that exemplifies the term "good government." In addition to the attached answers to the specific questions, we are once again thoroughly reviewing all documents and communications to identify any further records that are responsive to the request. As discussed with your staff, we will provide or identify this information by January 31, 2012.

Respectfully,



Mary D. Nichols

Attachments:

Attachment 1: ARB Responses to December 19, 2011 Committee Questions
Attachment 2: July 28, 2011 "Commitment Letter"