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**THE EPA MUST CORRECT ITS MISTAKE DENYING THE WAIVER FOR
CALIFORNIA'S FUEL EFFICIENCY LAW**

California justly pushes for an EPA waiver to regulate auto emissions more stringently than the federal government. On December 19, 2007, EPA blocked California's implementation of the 2002 Pavley bill (AB 1493) which would regulate auto emissions, starting in 2009, and increasing in reductions each year, so as to reduce greenhouse gas (GHG) 77% better than under federal law by 2020. Twelve other states have adopted similar laws, and more would like to follow.

Transportation accounts for 28% of the GHG emissions in the United States, so solutions to global warming must include substantial improvement in auto efficiencies. There are available technologies to achieve our state goals, and the marketplace has had five years to prepare for these requirements. We cannot afford to allow a crisis with no single solution to be exacerbated by blocking states from taking bolder, achievable steps. With California's surging population (37 million today, and *60 million* predicted by 2050), and population increasing generally everywhere, we need to make big changes now.

According to the most recent United Nations' Intergovernmental Panel on Climate Change (IPCC) report, the planet faces "abrupt and inevitable" damage if humanity doesn't act quickly. The Chairman of the IPCC, Dr. Rajendra Pachauri, said we have substantially altered the Earth's atmosphere, and that climate change is accelerating. He added that what we do in the next two or three years will define our future. Last month, NASA climate scientist Jay Zwally said "the Arctic Ocean could be nearly ice-free at the end of summer by 2012, much faster than previous predictions." Mark Serreze, senior scientist at the government's snow and ice data center (CIRES) said "The Arctic is screaming."

Casting aside science and unanimous staff support for a waiver, EPA Administrator Johnson relied on the new Corporate Average Fuel Economy (CAFE) portion of the 2007 Energy Bill signed by President Bush in December. The political influence is evident by Johnson's unsupported statement that the new CAFE law is more effective than AB 1493.

In a Technical Assessment published January 2, 2008, however, California Air Resources Board (CARB) claims its rules are significantly more effective at reducing GHG than the federal CAFÉ program. The GHG reductions aid in enhancing fuel efficiencies to an impressive 44 MPG, compared with 35 MPPG under the CAFÉ rules, by 2020. Thus, we could get the dual benefit of improved reductions in GHG and fuel consumption. That also translates into *167, instead of 76*, million metric tones (MMT) less carbon dioxide emissions *by 2020*, under AB 1493. Not only is that good for the environment, but that helps our burgeoning trade deficit and

weak dollar because we import less oil.

California and twelve other states have adopted the same standards. Together, they have one-third of the cars and consume one-third of the fuel in the United States. When all thirteen states follow California's standards, California estimates GHG would be reduced by an estimated total of 92 MMT, compared to 56 under the CAFÉ rules by 2020.

Mary Nichols, Chair of CARB which is responsible for implementing AB 1493, presented the above study and findings to the Senate Committee on Environment and Public Works on January 10, 2008. She testified that if all 50 states were to implement California standards, there would be the equivalent *1,400 MMT of carbon dioxide reduction, the same as about 150 million cars taken off the roads.* That's worth fighting for.

We should not miss the opportunity, and we do not have the luxury of time to quibble. California filed a lawsuit to challenge the EPA last week. The White House seems content with delay that is inherent in a court battle. We, the People, are not. In fact, the July 2004 Special Survey conducted by the Public Policy Institute of California found 80% of Californians supported the 2002 law requiring reduced GHG from auto emissions starting in 2009. Since then, the groundswell of support for laws to reduce GHG is even more palpable.

A cornerstone of our capitalism has always been its ability to respond with innovation in times of need. The EPA's action, seemingly directed by the White House, is bad science and undermines a strength of capitalism. Our auto industry can respond to an accelerated schedule to address fuel efficiencies. They already produce more fuel efficient cars for Canada which could meet the new standards.

We need to tell our legislators to do more to combat global warming and that *environmental protection* cannot be run by the White House. In light of California's solid response to Administrator Johnson's last-minute reliance on the CAFÉ rules, and unsupported, incorrect comparison with California standards, the EPA chief should reconsider the waiver denial immediately. If Johnson tried to premise his denial on *reasoned* analysis, he should wake up to the real smell of coffee when he realizes AB 1493 is better than CAFÉ.

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