

## **California's right to exceed federal auto emissions standards is upheld** **In a challenge to California's auto emissions standards, a U.S. Court of Appeals has ruled that the U.S. Chamber of Commerce and the National Automobile Dealers Assn. did not have legal standing.**

By Margot Roosevelt, staff writer

Los Angeles Times, Monday, May 2, 2011

California's authority to enact automotive air pollution standards that are stricter than federal law has withstood legal challenge after a U.S. Court of Appeals ruled that the U.S. Chamber of Commerce and the National Automobile Dealers Assn. did not have legal standing in the case.

Under the 1970 Clean Air Act, California may request waivers of federal standards to enact its own, stricter laws — a right granted because the state had its own pollution laws before the federal government's.

However, the George W. Bush administration refused to grant California a waiver after it enacted a 2004 law to curb planet-heating carbon dioxide emissions from cars. The Obama administration issued the waiver in 2009, but it was challenged by the chamber and the auto dealers. Fourteen other states had adopted the California standard.

The three-judge panel of the D.C. Circuit found that "Because the Chamber has not identified a single member who was or would be injured by EPA's waiver decision, it lacks standing to raise this challenge." The dealers too, it said, had failed to prove economic harm.

California and the Obama administration last year issued joint regulations to curb carbon dioxide pollution by 30% in cars through the 2016 model year, making the waiver unnecessary. But environmentalists remained concerned that a successful challenge could thwart California's plans to adopt stricter clean car standards for post-2016 models.

"Even if EPA's decision to grant California a waiver for its emission standards once posed an imminent threat of injury to the petitioners — which is far from clear — the agency's subsequent adoption of federal standards has eliminated any independent threat that may have existed," the court said in a ruling Friday.

Vickie Patton, general counsel of the Environmental Defense Fund, hailed the decision as "a major victory ... to break our dependence on oil, save families money at the gas pump and reduce dangerous pollution."

In a statement, the auto dealers association said, "Unfortunately, this decision leaves in place the existing, extraneous California fuel economy standards. The current system of three overlapping sets of regulations — set by NHTSA, EPA and California — makes it more likely that automakers will be forced to build a fleet that does not match consumer demand."

California is negotiating with the EPA and the National Highway Transportation and Safety Administration on standards for new vehicle models through 2025. Environmentalists are urging an average fuel economy of 60 miles per gallon and a cut of 40% in carbon pollution.

## **Court rejects challenge to Calif.'s clean car regs**

By Jason Dearen - Associated Press

In the Modesto Bee and the Stockton Record, Saturday, April 30, 2011

SAN FRANCISCO -- A federal appeals court rejected a legal challenge Friday that sought to bar implementation of a California regulation meant to reduce greenhouse gas emissions by forcing automakers to make and sell less polluting cars in the state.

The three-judge panel of the U.S. Court of Appeals for the District of Columbia ruled the U.S. Chamber of Commerce failed to identify any members affected by the regulation, and the National Automobile Dealers Association didn't prove its members would suffer future harm.

The suit by those groups argued that the U.S. Environmental Protection Agency should not have granted California a waiver under the Clean Air Act for its emissions program, saying it would create future harm to auto dealers and other businesses.

"Even if EPA's decision to grant California a waiver for its emissions standards once posed an imminent threat of injury to the petitioners - which is far from clear - the agency's subsequent adoption of federal standards has eliminated any independent threat that may have existed," the court wrote.

California's clean car program implements stricter emissions standards on cars starting with 2009 models. The emissions standards get increasingly tougher until 2015. Fourteen other states, including Arizona, New Jersey, New York and Massachusetts have also adopted California's program.

"It is important to note that this decision leaves intact EPA's confirmation that California's vehicle emissions program can address our state's compelling and extraordinary conditions to reduce greenhouse gases and clean our air," said Stanley Young, a spokesman for the California Air Resources Board.

Since the board adopted the state program, EPA has implemented a similar federal program meant to achieve the same greenhouse gas reductions from passenger vehicles and light trucks by 2016.

Further, the court found that automakers, not dealers, are regulated under the program and therefore would likely have the standing needed to proceed with the case. But automakers were not a party to the lawsuit and are barred from challenging the program under an earlier agreement.

The car dealers association said having state and federal regulations is a confusing way to proceed in reducing pollution, and is bad for business.

Returning the nation to a single, national fuel economy standard "would reduce this nation's dependence on foreign oil and harness the power of consumers to put more fuel efficient vehicles on the road," the association said in a statement.

## **Air quality improving; Valley still one of dirtiest**

By Sabra Stafford

Turlock Journal, Friday, April 29, 2011

The multitude of efforts and regulations to control the air pollution levels in California are showing signs of success, according to a new report from the American Lung Association.

The "State of the Air 2011" by the ALA shows positive trends in reducing air pollution across California though the state still has some of the dirtiest air in the nation.

The report showed improvement within the state in reducing ozone and particulate pollution over the past 10 years and a reduction in the number of unhealthy days reported in all cities on the ozone list.

"Air pollution is a serious health threat to all Californians," said Jane Warner, president and CEO of the American Lung Association in California. "California has made tremendous improvements in the fight for clean air thanks to the work of the state's strong Air Resources Board and local Air Quality Management districts but much still needs to be done. Cleaning up pollution results in healthier air. Now is not the time to stop progress.

"The American Lung Association in California continues to advocate for the Clean Air Act, strong clean air regulations and investment in programs whose aim is to reduce air pollution," said Warner. "We urge all Californians to voice support for the Clean Air Act and to make an effort to reduce air pollution in their communities by driving less, recycling, avoiding wood burning, and using energy efficient appliances."

Even though some improvements were noted, the counties in the San Joaquin Valley were still given "Fs" for air quality. From 2007 to 2009, Stanislaus County ranked as the 12th worst region in the state for particle pollution and 14th for ozone, according to the report.

Some of the report's findings have been called into question by local air officials. The San Joaquin Valley Air Pollution Control District issued a statement that while they are encouraged that the American Lung Association's report highlights the seriousness of the Valley's air pollution problem, it cautions that the report has based some of its conclusions on inadequate data.

"We are encouraging residents to understand what this report contains, and what it doesn't," said Seyed Sadredin, the Air District's executive director and air pollution control officer.

"Despite a simplistic methodology, this report contains important information that deserves careful review and analysis."

Specifically, the Air District felt the report doesn't reflect the real quality of the Valley's air because, in part, it only used measurements from one air monitoring station for all of the San Joaquin Valley. It also did not take into consideration the large number of wildfires in the Valley in 2008 that had a significant impact on the air quality and public health.

"Although the report's title is 2011 State of the Air, it does not look beyond 2009 in measuring air quality progress. This overlooks great improvements in air quality in the Valley in recent years. In fact, the winters in 2009-10 and 2010-11 were the cleanest on record," the Air District stated.