

Federal court upholds Calif. ship regulations

The Associated Press

In the Modesto Bee, Merced Sun-Star, Tri-Valley Herald and other papers, Wednesday, July 1, 2009

SACRAMENTO, Calif. -- A federal court judge in Sacramento has upheld California regulations that require oceangoing ships using the state's ports to use cleaner fuel in order to reduce harmful emissions.

Judge Morrison England Jr. on Tuesday denied a motion by the Pacific Merchant Shipping Association to prevent the rules from going into effect. The association claimed they went against a federal law that limited California's control of the seas to just three nautical miles off its coast.

The rule passed by California air regulators would cover ships within 24 nautical miles of the California coastline.

Morrison said the federal law known as the Submerged Lands Act has not been interpreted to prevent the state from extending regulations beyond the three-mile boundary.

EPA approves California pollution rule

By H. Josef Hebert - Associated Press Writer

In the Merced Sun-Star and San Diego Union Tribune, Wednesday, July 1, 2009

WASHINGTON -- The Environmental Protection Agency took a major step toward tougher reductions in greenhouse gas emissions from cars and trucks Tuesday by giving California the green light to impose new requirements that could become the national model for combatting tailpipe pollution linked to global warming.

The EPA granted California's long-standing request - denied by the Bush administration - for a waiver to allow it to pursue more stringent air pollution rules than required by the federal government. It cleared the way to implement immediately a 2002 state pollution law requiring new cars to increase their fuel economy 40 percent by 2016.

State regulations to implement the law have been in limbo for five years because the Bush administration refused to provide a waiver required by the federal Clean Air Act. Thirteen other states and the District of Columbia have said they want to impose the same requirements as California once the EPA gave the go-ahead.

"This decision puts the law and science first," EPA Administrator Lisa Jackson said in a statement, suggesting that Stephen Johnson, her predecessor at EPA, had ignored historic and traditional legal interpretations on how the Clean Air Act should address the issue when he denied the waiver in March 2008.

Granting California's request "is consistent with the Clean Air Act as it has been used for the last 40 years," Jackson said.

"After being asleep at the wheel ... the federal government has finally stepped up," said California Gov. Arnold Schwarzenegger, noting the state first requested the waiver in December 2005.

The California regulation requires automakers to increase the fuel economy of cars and trucks sold in the state by 40 percent to an average of 35.5 miles per gallon by 2016. Improved auto fuel efficiency results in less carbon dioxide being emitted from vehicle tailpipes because less fuel is burned for every mile traveled.

The EPA decision also is viewed as setting the stage for tougher national vehicle fuel economy requirements promised by President Barack Obama in May when he announced an agreement to push through federal standards at least as stringent as those being enacted in California.

Jackson said the California waiver decision "reinforces the historic agreement on nationwide emission standards" announced by Obama. That agreement has the support of automakers, many of the states and environmentalists. Obama said he wanted nationwide regulations

boosting the average fuel economy of new cars and small trucks to be 35.5 mpg by 2016, four years ahead of what Congress required as part of a new energy law in 2007.

But automakers reacted cautiously to Tuesday's action.

"We are hopeful the granting of this waiver will not undermine the enormous efforts put forth to create the national program," Dave McCurdy, president of the Alliance of Automobile Manufacturers, said in a statement. He said the federal approach agreed to in May "moves us towards a policy that ensures that consumers in all 50 states have access to highly fuel efficient vehicles at an affordable price."

But environmentalists said the decision to give California the go-ahead for putting into place its emission requirements was long overdue and essential for developing the national program.

"This is putting the federal seal of approval on California's leadership in cleaning up global warming pollution from our cars, SUVs, pickups and minivans," said David Doniger, director of the Climate Center at the Natural Resources Defense Council.

Sen. Barbara Boxer, D-Calif., who had sharply criticized Johnson, the Bush administration EPA chief, for repeatedly postponing action and then rejecting the California waiver request, applauded the EPA decision Tuesday. She said it was "putting science and the law back into the driver's seat rather than politics and special interests."

Governors and officials from many of the states ready to adopt the California standard also welcomed the development.

Granting the waiver to California "affirms states' rights to combat global warming," said New York Attorney General Andrew Cuomo.

In addition to New York, other states that have said they want to follow California's lead are: Arizona, Connecticut, Maine, Maryland, Massachusetts, New Mexico, New Jersey, Oregon, Pennsylvania, Rhode Island, Vermont and Washington.

EPA gives green light to California's pollution rules

By Jim Downing

Sacramento Bee and Modesto Bee, Wednesday, July 1, 2009

The U.S. Environmental Protection Agency on Tuesday granted California the right to enforce a 2002 law that mandates deep cuts to automotive greenhouse-gas emissions through 2016, marking an official truce in a long struggle among automakers, the state and the federal government.

The ruling follows a settlement on the issue brokered by the Obama administration in May. While to some degree a formality, Tuesday's decision sets what environmental groups and some in the auto industry say is an important precedent. It stands to give California regulators the power to drive national fuel-efficiency standards in the future.

California is the only state with the power under the federal Clean Air Act to set its own air pollution rules – subject to approval by the EPA. If the agency blesses the standards, other states can copy them, giving California leverage over national policy.

The state does not have the power to directly set fuel-efficiency standards. Tuesday's ruling, though, puts the EPA on record for the first time endorsing California's authority to regulate automotive greenhouse-gas emissions, which is close to the same thing.

That precedent could be pivotal in future fuel-efficiency and greenhouse-gas battles, because the auto-industry lobby is relatively weak in California.

"We're very much insulated from the political pressures that Detroit can bring to bear in Washington," said Roland Hwang, transportation program director for the Natural Resources Defense Council.

Whether that's a good thing, of course, depends on one's perspective. John McEleney, chairman of the National Automobile Dealers Association, called Tuesday's decision "troubling." "The Obama administration has effectively ceded the long-term setting of national fuel economy standards to unelected California regulators," he said in a statement.

California had jostled with automakers and the Bush administration for years over the state's 2002 emissions law.

The Bush administration's EPA in late 2007 turned down California's request to enforce the standards, prompting a suit from Attorney General Jerry Brown. Earlier, automakers had sued to block the rules, which effectively call for average vehicle fuel efficiency to exceed 35 mpg by 2016, up from roughly 25 mpg today.

Under the May deal, automakers and the state agreed to drop their suits. The federal government also committed to draw up new fuel-efficiency and greenhouse-gas emission standards for passenger vehicles. The new rules are expected to be roughly as stringent as those called for in the 2002 California law. A draft is due by August, with final standards in place by March.

California also agreed in May to follow the new federal rules, assuming they are as stringent as those drawn up by the state.

EPA lets state get tougher on new vehicles

Matthew B. Stannard, staff writer
S.F. Chronicle, Wednesday, July 1, 2009

Federal officials on Tuesday cleared California to impose tough greenhouse gas limits on new motor vehicles that more than a dozen other states can follow immediately and that will form the basis of new nationwide rules in 2012.

In a major reversal of Bush administration policy, the Environmental Protection Agency's ruling was hailed by California politicians and national environmental groups as a breakthrough in curbing carbon dioxide - a leading contributor to global warming.

Tuesday's waiver highlights the state's decades-long tradition of environmental leadership, said Roland Hwang, transportation program director for the Natural Resources Defense Council.

"When you look at California's leadership across the board on energy and global warming, it provides almost a perfect template for the activity going on in D.C.," he said. "What's happening out here with Tesla (Motors' electric car production) is what should be happening in Detroit."

California has a history of setting environmental standards more rigorous than the federal government's since before 1970, and the Clean Air Act passed that year permits the state to continue to do so, providing it receives a waiver from the EPA.

The state law setting the new carbon dioxide standards, written by then-Assemblywoman Fran Pavley, passed in 2002, and the state sought an EPA waiver in 2005. But the EPA denied the waiver in 2007, saying it was important to have a national emissions standard and that a recently passed energy bill raising fuel economy standards was a better universal rule.

In January, President Obama's pick for EPA administrator, Lisa Jackson, promised to review the waiver decision. In May, Obama announced national emissions and fuel economy standards patterned after California's pending rule. On Tuesday, Jackson granted the California waiver.

"This decision puts the law and science first," Jackson said in a statement. "After review of the scientific findings, and another comprehensive round of public engagement, I have decided this is the appropriate course under the law."

Pavley, now a state Senator, issued a statement cheering the decision.

"It was a real David and Goliath fight," she said. "This news is extremely gratifying to all the people and organizations who have worked so hard on this issue for the past eight years. We're thrilled to death."

The waiver means that California can impose the emissions standards - the nation's first aimed at reducing greenhouse gases - beginning with the 2009 model year and increase them annually, with a goal of achieving a 30 percent reduction in greenhouse gases in 2016 compared with 2002 levels.

National standards fuzzy

The new national standards, which are still being developed, are due to take effect in 2012 and would include both fuel economy and greenhouse gas pollution standards. They would require an average fuel economy of 35.5 miles per gallon in 2016; current federal standards require 27.5 mpg for cars and 22.3 mpg for SUVs and light trucks.

The draft standards also call for a national carbon dioxide vehicle emissions standard of 250 grams per mile of CO₂ in model year 2016, a figure comparable to California's standard.

Vehicles covered by the policy - passenger cars, light-duty trucks and medium-duty passenger vehicles - generate about 60 percent of all U.S. transportation-related greenhouse gas emissions, which comprise about a third of all greenhouse gas emissions in the nation, according to the EPA. Under agreements reached during the waiver battle, California will consider any vehicles that meet that national standard to also meet the California standard until 2016.

That agreement was important to the auto industry, which had long argued that a national standard was needed to avoid costly confusion. Automakers dropped pending lawsuits as part of the agreement, and on Tuesday Michael Stanton, president of the Association of International Automobile Manufacturers, cited the agreement in reacting to the EPA decision.

"We are now focused on working with California, EPA and (the National Highway Traffic Safety Administration) to finalize the operational details of this harmonized program and to continue meeting aggressive goals for cleaner, more fuel-efficient vehicles," he said.

California's new rules will be followed by 13 other states - Arizona, Connecticut, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington - and the District of Columbia.

40% of vehicles affected

That means about 40 percent of the nation's vehicle fleet will come under the new rules, said Hwang - and the waiver opens the door for California to set still stronger standards after 2016.

In the nearer term, Hwang and other environmentalists said, the decision will give Californians and states that follow their standards a jump-start on buying the next generation of clean cars - and enjoying lower overall fuel costs as miles per gallon rise.

An analysis by the California Air Resources Board estimated that California's program will reduce the state's annual climate change emissions by 30 million metric tons in 2020 and save Californians about \$30 a month in fuel costs.

A separate analysis by the Union of Concerned Scientists found that a federal standard like the one proposed by Obama in May would reduce U.S. oil dependence by about 1.4 million barrels per day by 2020 - about the same amount the nation now imports from Saudi Arabia.

But William Yeatman, an energy policy analyst for the free market Competitive Enterprise Institute, said those estimates overlook a "legal tripwire" created by the waiver that could eventually see property owners forced to spend thousands in legal bills and infrastructure upgrades to meet emissions standards for buildings.

Hwang disagreed, saying the EPA waiver is specifically tailored to automobiles.
Curbing emissions

California has been a leader on environmental issues, including lower emissions for cars. "What's happening out here ... is what should be happening in Detroit," said Roland Hwang of the Natural Resources Defense Council.

California rules: Under the waiver from the federal government, the state can impose the nation's first standards to reduce greenhouse gases this year, to achieve a 30 percent reduction in carbon dioxide in 2016 compared with 2002 levels.

National rules: Take effect in 2012 and include fuel economy and greenhouse gas pollution standards that are being developed; require average fuel economy of 35.5 miles per gallon in 2016. Current federal standards require 27.5 mpg for cars and 22.3 mpg for SUVs and light trucks.

E.P.A. Grants California the Right to Enforce Emissions

By Felicity Barringer, staff writer
N.Y. Times, Wednesday, July 1, 2009

The Environmental Protection Agency said Tuesday that it had granted California the right to enforce its first-in-the-nation standards controlling greenhouse gas emissions from cars and light trucks.

The move reverses a 2008 ruling by the Bush administration and effectively ends a seesaw political battle between automakers and environmental regulators that began in Sacramento eight years ago when the California Legislature first took up the issue.

Lisa P. Jackson, the E.P.A. administrator, said in an interview that she had reversed the ruling by her predecessor, Stephen L. Johnson, because the traditional presumption had been that California, with its history of air pollution, had grounds to establish rules that exceed federal requirements.

"The burden is on those that object," Ms. Jackson said.

The immediate impact of the decision, which had been widely anticipated, is more symbolic than practical. The 2009 fleet of new vehicles is already in compliance with the California rules and the 2010 fleet is also expected to meet the requirements, said Tom Cackette, deputy director of California's Air Resources Board.

"Auto manufacturers have been making changes to vehicles both because they anticipated they might have to meet California standards and because there was a general interest in public in buying more efficient cars," Mr. Cackette said.

Nationally, about one-third of the greenhouse-gas emissions contributing to climate change come from the transportation sector, most of it from cars and light trucks.

The rules in California will cut emissions from new vehicles by 14 percent from 2008 levels in 2011. Thirteen states and the District of Columbia have also adopted the California rules in an effort to combat climate change.

California's emissions rules are also expected to be congruent with new federal fuel economy standards announced in May by the Obama administration. Both standards envision that emissions will be cut by 30 percent in 2016.

The aligning of California's rules and the federal mileage standards is intended to ensure that automakers comply with a single standard. This "moves us toward a policy that ensures that consumers in all 50 states have access to highly fuel-efficient vehicles at an affordable price," said Dave McCurdy, president and chief executive of the Alliance of Automobile Manufacturers. Carmakers have accepted the fuel economy and emission standards that they long opposed, at a time when their industry is in crisis and accepting billions of dollars in federal money.

In the interview, Ms. Jackson of the E.P.A. praised Fran Pavley, the state senator from California who originally crafted the early blueprint for the state standards in 2001.

Ms. Pavley was jubilant Tuesday.

"It took eight years, multiple federal courts, the U.S. Supreme Court, two presidents, two governors and a partridge in a pear tree," she said in an interview. "What a difference that last presidential election made."

Reversing Bush, Obama allows California's greenhouse gas rules to take effect

By Paul Rogers, Mercury News

In the Contra Costa Times and Tri-Valley Herald, Wednesday, July 1, 2009

In a major victory for environmentalists and Gov. Arnold Schwarzenegger, the Obama administration on Tuesday granted California permission to set the nation's first rules requiring automakers to reduce global warming emissions from new automobiles.

The permission, known as a "waiver" from the U.S. Environmental Protection Agency, had been denied by the Bush administration, and until recently, staunchly opposed by the auto industry.

Obama's action means that automakers in California — along with 13 other states and the District of Columbia that copied California's rules — will be required to start phasing in more fuel efficient vehicles immediately among the new models they offer for sale, with a 30 percent reduction in greenhouse gas emissions required by 2016.

The majority of the world's climate scientists say that carbon dioxide released from burning fossil fuels are building up in the earth's atmosphere, and causing the planet to steadily warm.

Passenger vehicles are a leading consumer of fossil fuels. The primary way to reduce greenhouse gas emissions from them is to manufacture vehicles that burn less gasoline per mile. For automakers, that will mean making smaller cars and fewer SUVs in some cases, while also implementing a dramatic jump in alternative fuel vehicles, such as hybrids and plug-in hybrids.

In May, Obama said the federal government would copy California's greenhouse reduction standards by 2016, but the federal rules don't begin to take effect until 2012.

"The waiver will give California and the 14 other states a head start over the federal standard. It accelerates the investment by automakers in creating cleaner, more efficient cars," said state Sen. Fran Pavley, D-Santa Monica, who wrote the original law in 2002 setting California's standards.

The automobile industry had sued to block California's rules, but then agreed to drop the lawsuits in a compromise after the White House provided billions to keep General Motors and Chrysler solvent.

On Tuesday, the industry referenced that compromise.

"President Obama's decision last month to create a single national program for greenhouse gas emissions and fuel economy standards moves us toward a policy that ensures that consumers in all 50 states have access to highly fuel-efficient vehicles at an affordable price," said Dave McCurdy, president and CEO of the Alliance of Automobile Manufacturers. "We are hopeful the granting of this waiver will not undermine the enormous efforts put forth to create the national program."

As part of his May announcement, Obama also required automakers to increase the fuel economy of their fleets to 35.5 miles per gallon by 2016, up from 25.5 miles per gallon today.

Environmental groups and Schwarzenegger said Tuesday's announcement vindicates California's rules and keeps the state in the national lead when it comes to reduce air pollution and greenhouse gas emissions.

Under the federal Clean Air Act, California is allowed to set stricter rules than other states, because it had been regulating smog before 1970 when President Nixon signed that law. Other states may not set their own standards, but may copy California's.

As a result, for nearly 40 years, California has passed strict state rules to require everything from a ban on leaded gasoline to catalytic converters in cars, and those rules have eventually been copied by other states and then the federal government. For California to put in place the tougher rules, the EPA had to issue a waiver, something it had done routinely more than 40 times in the past generation until Bush denied it in 2007, siding with auto industry officials who said the rules would be too costly and confusing by setting different standards around the state.

"We take today's announcement as yet another sign that the Obama administration is moving aggressively to seize the reins and lead again when it comes to the clean energy policies that will create millions of new jobs, rebuild the manufacturing sector and American middle class, and tackle our dangerous dependence on oil," said Carl Pope, national executive director of the Sierra Club. "We hope that our leaders in Washington will continue to follow California's lead as they craft a comprehensive clean energy and climate plan."

San Mateo planning home energy audits, mandatory green building codes

By Mike Rosenberg, San Mateo County Times

In the Contra Costa Times and Tri-Valley Herald, Wednesday, July 1, 2009

SAN MATEO — With a kick start from the Obama administration, the crusade to shrink the city's carbon footprint is getting ready for action.

The City Council in November launched the San Mateo Acting Responsibly Together, or SMART, campaign as the city's long-term plan to drastically cut greenhouse gas emissions. City officials and consultants have since been conducting public outreach at local schools, in neighborhoods and during community events.

Now the city's "green team" is getting ready to roll out the campaign's first two programs: home energy audits and mandatory green-building codes.

"It should be stronger, more tangible," said Mary Hewitt, senior public information officer for PMC, a consulting firm the city hired to coordinate outreach for the program.

The energy audits will be city-subsidized house tours in which professional consultants survey home features such as electrical appliances and provide a list of suggested energy-efficiency upgrades.

The city should be able to subsidize about 600 single-family homes using a \$100,000 grant from President Barack Obama's federal stimulus plan, said Christine Gilmore, a city management

analyst leading the SMART program. Officials expect to receive the money from the Department of Energy in the fall and start the energy audits early next year, she said.

Typically, the audits cost homeowners \$300, Gilmore said. The subsidy will reduce that cost, although she is still unsure by how much.

"We just want people to be aware of what they can do," Gilmore said. "It can be fun and also it can save money."

In all, the city will receive \$875,800 from the American Recovery and Reinvestment Act for green projects, Gilmore said. The rest of the cash will go toward LED streetlight installments and a partial solar project for the roof of the main library.

As part of the SMART campaign, Gilmore and her green team of city staff members, who meet monthly, are preparing a policy on mandatory building codes. Currently, the city's green building policies are voluntary.

The new policy will use ranking systems that evaluate green building materials and policies. It should be ready for the council to approve in October, Gilmore said.

The mandatory policies have been adopted by some California cities, and they often require developers to spend more money upfront on construction, which could drive up costs for homeowners and other tenants.

Gilmore said the energy savings eventually cancel out upfront costs.

The green team also will continue its outreach efforts. Last month, staff members gave presentations and handed out shower timers and other items to 110 fourth- and fifth-graders at Meadow Heights Elementary School. The team plans on visiting more schools in the fall, and it also plans to talk to businesses.

The outreach efforts have been funded through a \$50,000 grant from the Bay Area Air Quality Management District.

[S.F. Chronicle editorial, Wed., July 1, 2009:](#)

EPA takes the clean-air route

What we said: "The Environmental Protection Agency has rejected California's plan to institute higher emissions standards for cars and light trucks. The excuse offered by EPA Administrator Stephen L. Johnson was that 'the Bush administration is moving forward with a clear national solution' that to his mind is better than a 'confusing patchwork of state rules.' The ruling is revolting but doesn't come as a shock. It's been clear for the last seven years that this administration's EPA is not interested in protecting the environment. It's certainly interested in protecting land developers and - as this ruling makes clear - the auto industry, often at the cost of scientific and legal coherence."

Editorial, Jan. 21, 2007

What happened: At last, the EPA has given the go-ahead for California to implement a 2004 law that will tighten regulations on greenhouse gas emissions from cars and trucks. It turned out that the "clear national solution" was advanced not by President George W. Bush, but by the election of President Obama. "This decision puts the law and science first," EPA administrator Lisa Jackson, an Obama appointee, said Tuesday.

What's next: Under the new California rules, the fuel economy of motor vehicles sold in the state will need to increase by 40 percent (to 35.5 miles per gallon) by 2016. At least 14 states were lined up to impose similar requirements once California got the nod - and Obama has proposed a similar national requirement.

What you can do: The EPA waiver takes care of the political and legal barriers to reducing greenhouse gases from California cars. Now it's up to consumers to do their part by going to more fuel-efficient vehicles.

[Letter to the Fresno Bee, Wed., July 1, 2009:](#)

They've gone mad

Re "Board wants Calif. autos to be cooler" [story June 26]: Has the Air Board gone completely mad? They are mandating sun-reflecting glass in all cars by 2014.

The state is shutting down, farmers can't get water, small equipment operators can't afford to repower their trucks and tractors, they want to tax rural folks for septic system and water well inspections. The insane list goes on and on.

Has it occurred to the elected lawmakers that they need to gut these out-of-control agencies? Is it any wonder why we are in this economic mess?

Ray Rasmussen, Tollhouse

[Note: The following clip in Spanish discusses EPA finally authorized California to put into practice their own law against climate change. For more information on this Spanish clip, contact Claudia Encinas at \(559\) 230-5851.](#)

La EPA autorizó finalmente que California ponga en vigor su propia ley contra el cambio climático

Manuel Ocaño

Noticiero Latino

Radio Bilingüe, Wednesday, July 1, 2009

La Agencia federal de Protección Ambiental (EPA) finalmente autorizó a que California ponga en vigor su propia ley contra el cambio climático. Desde 2004 la administración del ex presidente, George W. Bush impidió esa ley, aún en contra de una determinación de la Suprema Corte de Justicia. La administradora de la EPA, Lisa Jackson dijo que ahora "se preserva el papel de California como líder en la política por un aire limpio y puro". Incluso el presidente Obama quiere que el país siga el ejemplo de California en cuanto al cambio climático: "En los años setentas el estado de California adoptó políticas estrictas de eficiencia energética; esas políticas ayudaron a crear un millón y medio de empleos, y hoy los californianos consumen 40 por ciento menos energía que el promedio nacional", dijo el presidente.

Anthony Presto

Public Information Representative

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