

NEWS RELEASE



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California Department of Justice
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California Sues EPA For Stonewalling Landmark Global Warming Law

WASHINGTON D.C. — In a precedent setting lawsuit, California Governor Arnold Schwarzenegger and Attorney General Edmund G. Brown Jr. today sued the U.S. EPA, to force the agency to take action on California's request to curb greenhouse gas emissions from motor vehicles. The lawsuit, filed today in Washington D.C., charges the EPA with an unreasonable delay in reaching a decision on California's landmark law, known as the Pavley bill, which mandates a 30 percent reduction in motor vehicle emissions by 2016.

"Despite the mounting dangers of global warming, the EPA has delayed and ignored California's right to impose stricter environmental standards," Attorney General Brown told a news conference at the state capitol with Governor Schwarzenegger and California Air Resources Board chair, Mary Nichols. "We have waited two years and the Supreme Court has ruled in our favor. What is the EPA waiting for?" Brown asked.

Under the Clean Air Act, passed in 1963, California can adopt environmental standards that are stricter than federal rules, if the state obtains a waiver from the U.S. EPA. Congress allowed California to impose stricter laws in recognition of the state's "compelling and extraordinary conditions." After a California waiver request is granted, other states are permitted to adopt the same rules.

In the Act's 40-year history, EPA has granted approximately 50 waivers for innovations like catalytic converters, exhaust emission standards, and leaded gasoline regulations. In today's lawsuit, California asserts that EPA has failed to act in a reasonable length of time.

In 2002, California passed AB 1493 which require a 30 percent reduction in global warming emissions from vehicles by 2016, starting with model year 2009. In December 2005, the California Air Resources Board applied for a waiver to implement the law. Governor Schwarzenegger wrote to the EPA in April 2006 and in October 2006, requesting action on California's application.

Sixteen other states— Arizona, Colorado, Connecticut, Florida, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington —have adopted, or are in the process of adopting California's emissions standards.

The state asserts that EPA does not need any additional time to review the facts—the California Air Resources Board submitted a detailed 251-page assessment in 2005 and the U.S. Supreme Court already issued a decision that greenhouse gases are pollutants. In September, a Vermont District Court ruled in favor of the state regulations, rejecting a challenge from the automobile lobby.

There are 32 million registered vehicles in California, twice the number of any other state. Cars generate 20% of all human-made carbon dioxide emissions in the United States, and at least 30% of such emissions

in California. If California's landmark global warming law—and the corresponding 30% improvement in emissions standards—were adopted nationally, the United States could cut annual oil imports by \$100 billion dollars, at \$50 per barrel.

Last year, Governor Arnold Schwarzenegger signed the landmark Global Warming Solutions Act, AB 32, which sets a goal to cut California greenhouse gas emissions back to 1990 levels by 2020. To meet this target, California must reduce emissions by 174 million metric tons. If California's motor vehicle emissions law is implemented, it will account for 17% of this reduction target.

Climate research shows that global warming is having a profound effect on California's temperature, weather, air quality, and mountain snowfall. Last year Southern California experienced its driest year since record-keeping began 130 years ago. Between 1949 and 1999, average temperature in California increased 1.03 degrees Fahrenheit and mountain snow accumulation declined ten percent. By 2099 there will be virtually no snow below 3280 feet.

California's complaint, filed in the United States District Court for the District of Columbia is attached. California's petition for review, filed in the United States Court of Appeals for the District of Columbia Circuit, is also attached.

Later today, fourteen other states are expected to support California as interveners in the lawsuit.

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