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## **E.P.A. Says 17 States Can't Set Emission Rules**

By [JOHN M. BRODER](#) and [FELICITY BARRINGER](#)

WASHINGTON — The [Environmental Protection Agency](#) on Wednesday denied [California](#) and 16 other states the right to set their own standards for carbon dioxide emissions from automobiles.

The E.P.A. administrator, [Stephen L. Johnson](#), said the proposed California rules were pre-empted by federal authority and made moot by the energy bill signed into law by President Bush on Wednesday. Mr. Johnson said California had failed to make a compelling case that it needed authority to write its own standards for greenhouse gas emissions from cars and trucks to help curb [global warming](#).

The decision immediately provoked a heated debate over its scientific basis and whether political pressure was applied by the automobile industry to help it escape the proposed California regulations. Officials from the states and numerous environmental groups vowed to sue to overturn the edict.

In an evening conference call with reporters, Mr. Johnson defended his agency's decision.

"The Bush administration is moving forward with a clear national solution, not a confusing patchwork of state rules," he said. "I believe this is a better approach than if individual states were to act alone."

The 17 states — including New York, New Jersey and Connecticut — had waited two years for the Bush administration to issue a ruling on an application to set stricter air quality standards than those adopted by the federal government. The decision, technically known as a Clean Air Act waiver, was the first time California was refused permission to impose its own pollution rules; the federal government had previously granted the state more than 50 waivers.

The emissions standards California proposed in 2004 — but never approved by the federal government — would have forced automakers to cut greenhouse gas emissions by 30 percent in new cars and light trucks by 2016, with the cutbacks to begin in 2009 models.

That would have translated into roughly 43 miles per gallon for cars and some light trucks and about 27 miles per gallon for heavier trucks and sport utility vehicles.

The new federal law will require automakers to meet a 35-mile-per-gallon fleetwide standard for cars and trucks sold in the United States by 2020. It does not address carbon dioxide emissions, but such emissions would be reduced as cars were forced to become more fuel efficient.

California's proposed rules had sought to address the impact of carbon dioxide and other pollutants from cars and trucks that scientists say contribute to the warming of the planet.

Gov. [Arnold Schwarzenegger](#) of California said the states would go to federal court to reverse the E.P.A. decision.

“It is disappointing that the federal government is standing in our way and ignoring the will of tens of millions of people across the nation,” Mr. Schwarzenegger said. “We will continue to fight this battle.”

He added, “California sued to compel the agency to act on our waiver, and now we will sue to overturn today’s decision and allow Californians to protect our environment.”

Twelve other states — New York, New Jersey, Connecticut, Maine, Maryland, Massachusetts, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont and Washington — had proposed standards like California’s, and the governors of Arizona, Colorado, Florida and Utah said they would do the same.

If the waiver had been granted and the 16 other states had adopted the California standard, it would have covered at least half of all vehicles sold in the United States.

Automakers praised the decision. “We commend E.P.A. for protecting a national, 50-state program,” said David McCurdy, president of the Alliance of Automobile Manufacturers. “Enhancing energy security and improving fuel economy are priorities to all automakers, but a patchwork quilt of inconsistent and competing fuel economy programs at the state level would only have created confusion, inefficiency and uncertainty for automakers and consumers.”

Industry analysts and environmental groups said the E.P.A. decision had the appearance of a reward to the industry, in return for dropping its opposition to the energy legislation. Auto industry leaders issued statements supporting the new energy law, which gives them more time to improve fuel economy than California would have.

The California attorney general, Edmund G. Brown Jr., called the decision “absurd.” He said the decision ignored a long history of waivers granted California to deal with its special topographical, climate and transportation circumstances, which require tougher air quality standards than those set nationally.

Mr. Brown noted that federal courts in California and Vermont upheld the California standards this year against challenges by the auto industry.

Senator [Dianne Feinstein](#), the California Democrat, said: “I find this disgraceful. The passage of the energy bill does not give the E.P.A a green light to shirk its responsibility to protect the health and safety of the American people from air pollution.”

Representative [Henry A. Waxman](#), Democrat of California and chairman of the House Oversight and Government Reform Committee, said the E.P.A. decision defied law, science and common sense. He said his committee would investigate how the decision had been made and would seek to reverse it.

[Richard Blumenthal](#), the attorney general of Connecticut, called the ruling a “mockery of law and sound public policy.”

[Andrew M. Cuomo](#), the New York attorney general, said the state would challenge the decision.

Mr. Johnson, the E.P.A. administrator, cited federal law, not science, as the underpinning of his decision. "Climate change affects everyone regardless of where greenhouse gases occur, so California is not exclusive," he said.

Mary Nichols, the head of the California Air Resources Board, which had geared up to enforce the proposed emissions rules on 2009-model cars, said the reasoning was flawed. "Thirty-five miles per gallon is not the same thing as a comprehensive program for reducing greenhouse gases," Ms. Nichols said.

David Doniger, a lawyer for the [Natural Resources Defense Council](#), said that since 1984, the agency has not distinguished between local, national and international air pollution.

"All the smog problems that California has are shared with other states, just like the global warming problems they have are shared with other states," he said.

*Danny Hakim and Micheline Maynard contributed reporting.*

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