



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

June 21, 2007

The Honorable Arnold Schwarzenegger  
Governor of California  
State Capitol  
Sacramento, California 95814

THE ADMINISTRATOR

Dear Governor Schwarzenegger:

As I committed to you in my letter of June 13, 2007, I am writing to inform you of our intended time frame for making a decision on California's request for a waiver of Federal preemption for its motor vehicle greenhouse gas emission standards.

As you know, the California Air Resources Board (CARB) submitted its waiver request to the Agency on December 21, 2005. EPA communicated to CARB that it was withholding consideration of the waiver request pending a decision by the United States Supreme Court in the *Massachusetts v. EPA* lawsuit. Our reason for withholding consideration was that the decision and opinion from the Supreme Court could be directly relevant to issues EPA must address in the context of CARB's waiver request. The Agency subsequently asked for comment on whether the *Massachusetts v. EPA* decision is relevant to EPA's consideration of the waiver criteria under the Clean Air Act.

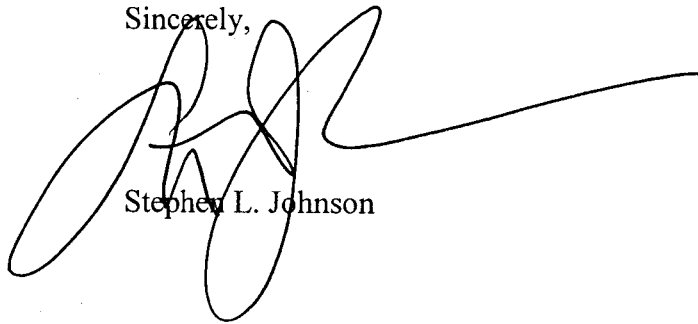
When the Supreme Court issued its decision on April 2, 2007, finding, among other things, that carbon dioxide and other greenhouse gases are covered by the definition of a "pollutant" under Section 202 of the Clean Air Act, I committed to move expeditiously to evaluate the petition. On April 11, 2007, I met with you and we discussed the plan for moving forward. At that time, I informed you that the Agency would conduct the necessary public hearing on the petition in late May. In addition, the Agency offered to conduct an additional hearing in California.

On April 30, 2007, the Agency published a Federal Register notice announcing a public hearing in Washington, DC and a written public comment period. We held public hearings in Washington, D.C., on May 22, 2007, and in Sacramento, California, on May 30, 2007. EPA received several requests to extend the June 15, 2007 comment deadline but the Agency declined to do so. We heard from over 80 individuals at these hearings and have received over 34,000 written comments from parties representing a broad scope of interests, including state and local governments, public health and environmental organizations, academia, industry and citizens. EPA has received thousands of pages of substantive comments and hundreds of attachments of a technical and scientific nature.

Having evaluated the volume and nature of the comments received during the public comment period, I will make a final determination on the State's request by the end of this year. This time frame is consistent with that of earlier California requests involving fact-based technical assessments and legal analysis. For example, the State's petition for a waiver of Federal LEV I standards was decided by the Agency in January 1993, approximately nine months after the public hearing. Similarly, California's petition for a waiver of LEV II standards was decided in April 2003, again approximately nine months following the public hearing. The pending petition presents issues of similar, if not greater, complexity. I believe a schedule that provides for a decision on the pending petition by the end of this year is both responsible and expeditious.

Thank you for your continued interest. I look forward to working with you on this and other important issues.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Stephen L. Johnson