



PRESS RELEASE

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Gov. Schwarzenegger Warns U.S. EPA of California's Intent to Sue if Federal Government Fails to Act on Waiver to Reduce Emissions

Governor Arnold Schwarzenegger today notified the U.S. Environmental Protection Agency of California's intent to sue if the federal government fails to act on California's request for a waiver to regulate greenhouse gas emissions in new vehicles. In a letter (below), the Governor sent a notice of intent to sue which is required 6 months in advance of any lawsuit to be filed. The Governor also spoke with U.S. EPA Administrator Stephen Johnson today by phone. The U.S. EPA has taken preliminary steps to act on California's waiver.

"I have called on the federal government to expedite California's request, and now with a Supreme Court decision behind us, the time to act is now. If the federal government once again fails to act, we have an obligation to take legal action," said Governor Schwarzenegger. "Californians clearly want to protect our environment. The U.S. EPA must act aggressively to grant our waiver so we can begin reducing greenhouse gas emissions."

Earlier this month, the U.S. Supreme Court issued ruling saying the U.S. Environmental Protection Agency has the authority to regulate greenhouse gases.

By not acting, the U.S. EPA is preventing the rights of California and other states from taking action to reduce greenhouse gases. Eleven other states have adopted the California standards as their own and two more are now in the process. The group of states makes up about one-third of all US auto sales.

Under the federal Clean Air Act, California has the right to set its own vehicle emission standards, and other states have the right to adopt the California standards as their own. The eleven other states that have adopted California's vehicle emissions standards include: Vermont, New York, New Jersey, Massachusetts, Connecticut, Maine, Rhode Island, Pennsylvania, Maryland, Washington and Oregon. New Mexico and Arizona are in the process of adopting California's standards.

On December 21, 2005, the California Air Resources Board (ARB) requested a waiver of federal preemption of California's Greenhouse Gas Emissions Standards. The waiver would allow California to enact emissions standards to reduce carbon dioxide and other greenhouse

gas emissions from automobiles. The waiver was requested after the ARB developed regulations based on the 2002 California law. In addition to the waiver being stalled in the federal process, the law faces a legal challenge by automakers.

In letters sent on [April 10, 2006](#) and [October 24, 2006](#) to President Bush, the Governor reiterated the urgency of approving California's request to address global warming.

The Governor sent the following letter to U.S. EPA Administrator Stephen L. Johnson:

April 25, 2007

The Honorable Stephen L. Johnson

Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue

Washington, DC 20460

RE: Regulations to Control Greenhouse Gas Emissions from Motor Vehicles; Request for Waiver of Preemption Under Clean Air Act Section 209(b),

DOCKET ID EPA-HQ-OAR-2006-0173

Dear Mr. Administrator,

Thank you for speaking with me today regarding our request for a federal preemption waiver for California's motor vehicle greenhouse gas emissions standards.

While I support the timing of the hearing and comment deadline you have announced, your agency's schedule for action must take into account that our waiver request was submitted more than 16 months ago. Failure to take action by the end of October would mean that more

than 22 months have passed with no decision. This is clearly an unreasonable delay under the Clean Air Act, and I ask that the EPA issue its decision on California's request within the next 180 days in order to avoid legal action by CARB.

This letter also provides you with notice of our intent to commence an action, if necessary, under Clean Air Act Sections 304(a) and 307(b) (42 U.S.C. §§ 7604(a), 7607(b), and Administrative Procedure Act Section 706 (5 U.S.C. § 706), to compel this unreasonably delayed agency action. If this action by CARB is required, we will seek declaratory and injunctive relief, and other relief as the court may deem appropriate.

I applaud you for taking this long overdue and important step toward addressing California's waiver request. We hope that your announcement reflects not only a response to the Supreme Court's decision in *Massachusetts et al. v. EPA* ((2007) ___ U.S. ___ [127 S.Ct. 1438, 75 U.S.L.W. 4149]), but also a recognition of the importance of acting expeditiously to address the critical climate change issues that we are facing.

Please enter this letter in the subject docket. Thank you for your prompt attention to this important issue.

Sincerely,

Arnold Schwarzenegger

cc: Linda S. Adams, Secretary for Environmental Protection

Via U.S. Mail addressed to:

William L. Wehrum

Acting Assistant Administrator

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