



GOVERNOR ARNOLD SCHWARZENEGGER

June 13, 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,

Nearly eighteen months ago, the State of California requested a federal preemption waiver for California's motor vehicle greenhouse gas emissions standards. Last Friday, you told the U.S. House of Representatives Special Committee on Global Warming that you will wait until late next year to decide on whether to issue regulations controlling emissions from vehicles. More recently still, the U.S. Department of Transportation defended the fact that department officials are contacting members of Congress and urging them to oppose our efforts to fight global climate change. Under your time period, California will have waited about three years for a decision that has been made in our favor more than forty times in the past. By that time, especially given a federal agency's active opposition to our waiver, our respective governments will be embroiled in a lawsuit over these regulations.

We provided 180-day notice on April 26, 2007, of our intent to sue under the Clean Air Act and Administrative Procedure Act, which provide mechanisms for compelling delayed agency action. However, we had frankly held out hope that this dispute would be resolved without the time and expense of a lengthy court battle. Given your comments in front of the Special Committee and the work of the U.S. Department of Transportation, a lawsuit on the 181<sup>st</sup> day now appears to be inevitable.

The effects of climate change in California and all over the world are not theoretical science – they are already happening. We cannot afford to go any longer without efforts to turn the tide. Scientific consensus indicates climate change's impact on every aspect of our daily lives. Let me give you one alarming example: California's snowpack – the primary source of drinking water for two-thirds of Californians – will be reduced by up to 40 percent over the next few decades.

The Honorable Stephen L. Johnson  
June 13, 2007  
Page two

I ask you act immediately on California's longstanding request for a federal preemption waiver for California's motor vehicle greenhouse gas emissions standards waiver request. It is the right thing to do. It is urgent. And it is the law.

The U.S. Environmental Protection Agency (EPA) is obligated under the federal Clean Air Act to grant in a reasonable time period our request for action. If the EPA does not act on California's waiver request by October 22, 2007, the Air Resources Board will file a lawsuit. While protecting Californians from the threat of global climate change should not be forced into the court room, I am fully prepared to take whatever legal or political actions are necessary to ensure this threat is avoided. If there remains any doubt as to whether the EPA has the authority to regulate greenhouse gases as a pollutant, the Supreme Court's decision in *Massachusetts et al. v. EPA* ((2007) \_\_\_ U.S. \_\_\_ [127 S.Ct. 1438, 75 U.S.L.W. 4149]), should lay it to rest.

California and the thirteen other states that have adopted or are adopting the California standards should not have to wait three years to take action in protecting the public health and welfare of its citizens. California supports a strong federal program that aggressively reduces greenhouse gas emissions from vehicles, and we will work with the EPA when it takes on the task recently announced by the White House. But the EPA must grant California's waiver. There is simply no legal justification to do anything else. If I have misunderstood your intentions and you plan to act on California's waiver request before October 22, 2007, the end of our 180-day notice period, I would welcome the opportunity to discuss next steps with you.

Sincerely,



Arnold Schwarzenegger

cc: Linda S. Adams, Secretary for California EPA  
William L. Wehrum, U.S. EPA Acting Assistant Administrator  
David Dickinson, EPA Office of Transportation and Air Quality  
The Honorable Deval Patrick, Governor of Massachusetts  
The Honorable Eliot Spitzer, Governor of New York  
The Honorable Christine Gregoire, Governor of Washington  
The Honorable Bill Richardson, Governor of New Mexico  
The Honorable Ted Kulongoski, Governor of Oregon  
The Honorable Edward Rendell, Governor of Pennsylvania  
The Honorable Janet Napolitano, Governor of Arizona  
The Honorable Jim Douglas, Governor of Vermont  
The Honorable Jon Corzine, Governor of New Jersey  
The Honorable M. Jodi Rell, Governor of Connecticut  
The Honorable John Baldacci, Governor of Maine  
The Honorable Donald L. Carcieri, Governor of Rhode Island  
The Honorable Martin O'Malley, Governor of Maryland