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**Testimony of
Governor Martin O'Malley
State of Maryland**

before

**The United States Senate
Committee on Environment and Public Works**

**January 24, 2008
406 Dirksen Senate Office Building**

Madam Chair, Ranking Member Inhofe, and distinguished members of the Committee, it is my distinct honor and privilege to testify before you today on the EPA's recent denial of the State of California's request for a waiver under the Clean Air Act to require more stringent automobile emission standards. I would also like to give special thanks to Senator Ben Cardin from my home state for his extraordinary leadership and help in bringing about the opportunity for me to speak on this critical issue.

While we are here today to discuss the denial of a specific waiver request made by the State of California under the Clean Air Act, this is really about a much larger issue – whether or not we are willing to make choices and create policies that promote sustainability, enhance our quality of life, and protect the natural environment that we will bequeath to our children and grandchildren. There is perhaps no better place to discuss these issues than in a major city lying in a watershed that drains into the Chesapeake Bay. The Bay is so much a part of the fabric of my state, that many say it is its very heart and soul. Unfortunately, it is a soul that is burdened, even tortured, by a series of poor policy choices, one of which we are here to discuss today.



EPA's grant of the waiver would have allowed Maryland, California, and 15 other states to impose stricter automobile emission standards on what amounts to 45 percent of the Nation's registered automobiles. Instead of focusing on the legal reasons why this waiver should have been granted, and there are many, today I want to discuss, on behalf of the citizens of Maryland, why it is unacceptable that 17 states have been denied their right to implement their standard, the Nation's *alternative standard* – for reducing air pollution from automobiles. The EPA has granted the state of California this waiver 40 times. By denying the latest waiver request, the EPA has decided that *this* time:

- a request long known to be legitimate under federal law suddenly lacks merit,
- the longstanding agreement that states can do more than the federal government to protect the environment in which their citizens live is abrogated, and
- the efforts of my state and 19 others to combat sea level rise by reducing ozone pollution are not worth pursuing.

As Marylanders, we recognize the need for uniformity and predictability in environmental regulations. EPA's grant of the waiver would not undermine that need. It simply allows two standards to continue to exist - the federal standard and the more rigorous California standard. It does not result in 50 different standards or anything resembling a patchwork. There are two, and only two.

Furthermore, because the EPA has granted the waiver so many times in the past, it is its denial that injects unpredictability into the equation. The trend has clearly been for states to adopt the California standard. As I mentioned earlier, 17 states, accounting for almost half of the nation's cars, have adopted or committed to adopt the California standard. Foresighted manufacturers understand this trend and, as we speak, are producing and delivering cars that comply with the standard.

The EPA's leadership has decided that an improved national corporate average fuel economy standard – or “CAFE” standard – and a higher percentage of alternative fuels in the fuel distribution system will achieve the same results as allowing states to continue to implement the California standard. While these measures are certainly laudable, they are in no way a substitute for implementation of the California standard if the goal is to address greenhouse gas emissions and begin to combat climate change.

First, the California standard will produce reductions beginning as soon as 2009. In Maryland, we expect to see reductions starting in 2011. By the time the federal fuel economy standard takes effect in 2020, we will have already removed 32 million tons of carbon dioxide from the air.

Secondly, we have already had a mileage standard and a fuel mix requirement for many years. Additional regulations of this type will not significantly advance our efforts to combat our longstanding air pollution problems, nor will it help us meaningfully address the new and extremely difficult challenge we face – global climate change.

To portray the Administration's approach, which would take effect in 12 years, as a credible substitute for the benefits of implementation of the California standard in Maryland and other states is at best disingenuous. Because of the high percentage of the Nation's automobiles that would be subject to the state standards, we can achieve substantial reductions much sooner.

We as a nation have a proud history of reducing air pollution. Our skies today are much cleaner than they were 10 years ago. Our system has been working, and it will continue to work best when states are allowed to use the tools that have long been available to them.

The EPA's denial of this waiver undermines the historic role of the states and denies them their place at the forefront of protecting, preserving, and restoring the nation's natural resources and the environment. If Maryland had been denied the right to enact more stringent environmental standards than federal law provides, Maryland would not currently have on its books:

- laws to manage development along our 7,000 miles of sensitive shoreline;
- requirements that state-of-the-art technology be used at wastewater treatment plants that discharge into the Chesapeake Bay – setting an example for the nation;
- the Healthy Air Act that will reduce mercury pollution in the state by 90% by 2013;
- Smart Growth laws that manage growth and protect the quality of life that Marylanders so enjoy.

Allowing states to continue to implement the California standard makes common sense. When fully implemented in 2016, the California standard will reduce greenhouse gas emissions from cars and trucks by 30%. Airborne nitrogen emissions from cars and trucks deposited into our Chesapeake Bay will be reduced by 9 percent by the year 2025 through our Clean Cars Program.

Reducing green house gas emissions from sources other than automobiles is going to be a challenge. Reducing these emissions from automobiles is not. Technology that brings emissions from automobiles into compliance with the California standard is already available across the country. As I said before, manufacturers are producing cars using this technology at this very moment.

As a people who are concerned about the world we leave to our children and grandchildren, this is an opportunity that we cannot afford to pass up. The Supreme Court has told the federal government that it may regulate greenhouse gas emissions– and rebuked it for failing to do so. What does it say about us as policy makers, legislators and government officials, if we are not going to take advantage of technology and legal authority that is already here? We must work together to correct this problem.

When it comes to the air that we breathe and the health of our planet, which are directly affected by the energy we consume, we need to be aggressive. In Maryland we are implementing an ambitious, but achievable vision for a more sustainable future.

Together, we are working with 9 other states to reduce greenhouse gas emissions from the power plant sector through the Regional Greenhouse Gas Initiative – known as “RGGI”.

Together, we created the Commission on Climate Change and charged its professional membership with the task of preparing Maryland's plan to address climate change.

Together, we set a goal to reduce Maryland's per capita electricity consumption by 15 percent by 2015.

Together, we are diversifying our energy portfolio by increasing renewables like solar, wind, biodiesel, and biomass. We have started by adopting one of the most aggressive solar standards in the Nation – requiring that two percent of Maryland's electricity (approximately 1,500 megawatts) come from solar by 2022.

And together, we fought for and we passed the Maryland Clean Car Initiative implementing the California standard, which will require cleaner, more fuel efficient cars by 2011.

We have worked so hard to implement these environmental protection and energy efficiency measures because of what renowned Georgetown historian, Carroll Quigley calls our desire for “future preference”. The idea that, in fact, tomorrow can be better than today and that each of us has a responsibility, personally, to make it so.

Seventeen states have adopted or are committed to adopting the California standard. More than 20 states have set substantial greenhouse gas reduction targets. Looking to these state efforts as models, there are many programs that can radically reduce greenhouse gas emissions at reasonable costs. But, in order to implement these types of programs, we need the partnership of our federal government and the flexibility that we have always had. The time for action to combat global warming is now. Allowing the states to continue to implement the California standard is one of the most effective steps we can take in this fight.

We greatly appreciate the leadership this Committee and the Congress have shown in helping us protect our environment. Thank you very much for your time in considering my testimony today.