

Testimony of Fran Pavley on EPA Waiver hearing

before the U.S. Senate Committee on Environment and Public Works
chair, Honorable Senator Barbara Boxer

RE: Field Briefing on “Investigating EPA's Obstruction of Global Warming Controls for Vehicles”

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My name is Fran Pavley. I am currently a Senior Climate Advisor for the Natural Resources Defense Council, a former member of the California State Assembly and the author of AB 1493, the Clean Car Law passed in 2002 by the State Legislature and signed into law by Gov. Gray Davis. In September of 2004, the California Air Resources Board (CARB), under Gov. Arnold Schwarzenegger, unanimously adopted the “cost-effective and feasible” regulations to reduce greenhouse gas emissions from the tailpipes of passenger cars and light-duty trucks by 30% by 2016, beginning in model year car 2009.

The primary purpose of my testimony today is to let you know of the legislative intent when this bill was originally written and passed.

I introduced this bill in January of 2001 with the understanding that the science and recognized impacts caused by global warming were increasing and that our state’s major source of global warming pollution came from our 25 million automobiles. As an Assembly member, I chaired or participated in many hearings in 2001-2002. The primary focus of these meetings was to understand the direct impacts of greenhouse gas emissions to Californians. Expert witnesses included scientists and university professors, representatives from health organizations and water related agencies. They provided compelling, science-based, testimony as to how climate change would directly impact our state. For example, a spokesman for our State’s Water Resources Department stated that they had already analyzed and documented the earlier melt of our Sierra Nevada snow pack which has a dramatic effect on our agricultural and urban water users who are dependent on a usually reliable source of water. The link between health and heat related problems and a warmer climate were also made clear. Professors from Scripps, UC Berkeley and UCSB spoke about the impacts of sea level rise along our 1100-mile coastline, not only to the environment, but to the tourist related economy and the salt-water intrusion into our agricultural fields and our Bay Delta water delivery system. In addition, the Union of Concerned Scientists published a comprehensive report on the direct impacts of climate change to our state.

In 2001-2002, over six hearings were held in the required legislative policy committees in addition to separate votes by the entire Assembly and Senate. A long list of supporters for the passage of AB 1493 included: respected scientists and university professors, health related organizations such as the American Lung Association, Coalition for Clean Air, the California Medical Association, the Physicians for Social Responsibility, and the

California Nurses Association, local water agencies, local governments, the interfaith community who expressed concern about environmental justice impacts and our moral responsibility to protect the planet and our own residents, impacted businesses such as our ski, agricultural and fishing industry, as well as the voices of numerous environmental organizations and the Environmental Entrepreneurs, a Silicon Valley based business group.

Included in AB 1493 is a list of findings that clearly describe the impact that our state will face if we do not do our share to reduce the amount of greenhouse gas emissions we are emitting. It is important to note that this was based on the evidence we had obtained by July of 2002.

- “(1) Potential reductions in the state’s water supply due to changes in the snowpack levels in the Sierra Nevada Mountains and the timing of spring runoff.
- (2) Adverse health impacts from increases in air pollution that would be caused by higher temperatures.
- (3) Adverse impacts upon agriculture and food production caused by projected changes in the amount and consistency of water supplies and significant increase in pestilence outbreaks.
- (4) Projected doubling of catastrophic wildfires due to faster and more intense burning associated with drying vegetation.
- (5) Potential damage to the state’s extensive coastline and ocean ecosystems due to the increase of storms and significant rise in sea level.
- (6) Significant impacts to consumers, businesses, and the economy of the state due to increased costs of food and water, energy, insurance and additional environmental losses and demands upon the public health infrastructure.”

We now know a lot more about these threats than in 2002. The IPCC and other reports show with even greater scientific certainty than ever before that global warming poses severe threats to California’s environment, economy and public health. In 2002, we met the criteria for the EPA waiver. In 2008, the evidence is even clearer about the “compelling and extraordinary conditions” facing California. When elected to the State Assembly, I took an oath to help protect the health and safety of Californians. California and 16 other states are committed to that same goal.

Frankly, I am outraged that EPA Administrator Johnson, reportedly overruled the recommendations of his career professionals, cavalierly asserting during the press conference to deny California’s waiver, that the impacts of global warming that are falling and will fall on California do not amount to “compelling and extraordinary conditions.” His excuse, that California’s plight is not “exclusive” or “unique” is both factually and legally wrong. He is factually wrong because no other state can claim the same wide range of severe impacts that California faces – from the threat to our water supply, to billions of dollars in damage from horrendous wildfires, to adverse health effects of enhanced smog levels. He is legally wrong because, as his predecessor William Ruckelshaus found more than 20 years ago in 1984, the Clean Air Act does not require California’s plight to be ‘unique’ in order to be “compelling and extraordinary.”

California's Clean Car Standards will deliver more protection, and sooner, than the federal mileage standards. Despite Mr. Johnson's and the automobile manufacturers' claims, there will be no "patchwork" of different standards. The other 16 states, nearly 50% of all new vehicles sold, will have to identically follow California's standards.

I would like to close by thanking the leadership of Speaker Nancy Pelosi, Congressman Henry Waxman, and Senators Feinstein and Boxer who have consistently protected California's power to set stronger air pollution standards. I am confident that the denial of California's legal right to a waiver will be reversed by the courts, but a year or more in our fight against the impacts of global warming will be lost.

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