

Testimony of

Governor M. Jodi Rell  
State of Connecticut

Submitted to the

United States Senate  
Environment and Public Works Committee  
Regarding EPA's Denial of California Air Resource Board's Waiver  
Request pursuant to  
Section 209(b) of the Clean Air Act

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Washington, DC

## **Introduction**

Madame Chairman and members of the Committee:

I thank you for the opportunity to provide this written testimony concerning a recent decision by the Environmental Protection Agency (EPA) to deny a request by the California Air Resources Board (CARB) for a Federal waiver of preemption under Section 209(b) of the Clean Air Act.

I submit this testimony to add my voice – and that of the State of Connecticut – to those of Governors and other state officials appearing before you today.

This waiver is critically important for California, Connecticut and numerous other states that have expressed their intent to adopt and implement California’s motor vehicle greenhouse gas (GHG) emission standards. I firmly believe that these standards are necessary to meet “extraordinary and compelling conditions” created by climate change.

As you know, the Clean Air Act gives California the unique authority to set and enforce air pollution standards for cars that are more stringent than those set by the federal government. The Clean Air Act also allows other states, like Connecticut, to adopt and implement California’s regulations – but not until EPA provides California with a waiver that allows California’s regulations to become effective.

We must work together at all levels of society – in business and in industry, across federal, state and local governments and right down to each and every American citizen – if we are to effectively address the issue of climate change.

EPA’s unprecedented decision not to grant California the waiver is blocking Connecticut from taking action we believe is necessary to protect the people of our state. I must strongly and unequivocally convey my disappointment with that decision.

## **Background**

Connecticut has a long history of supporting cleaner cars. We first adopted the California Low Emission Vehicle (LEV) program in 1994. We successfully transitioned this program to a “National” LEV program in 1996.

In 2004, we adopted the California LEV II program and subsequently adopted the GHG emission standards in 2005. Connecticut recognized that re-joining the California program was akin to jumping onto a moving train and presented the automotive manufacturing industry with special challenges. We acknowledged this impact and worked with industry to craft a reasonable administrative framework to successfully re-engage the LEV II program for the 2008 model year. To my knowledge, our approach has been adopted by at least five other states.

I offer this background to demonstrate that while Connecticut may be “new” to the current LEV program, we are by no means unfamiliar with the program or the framework that governs the special relationship between California and EPA with respect to vehicle emission standards as intended by Congress.

California requested a waiver of Federal preemption on December 21, 2005. EPA issued its decision to deny the waiver request in a two-page letter to Governor Schwarzenegger on December 19, 2007. EPA has so far provided no supporting data for its decision. Thus my comments are perforce based only on EPA’s letter of December 19, 2007, and the accompanying press statement.

In the almost 40-year history of the Clean Air Act, EPA has granted approximately 50 waivers to California for innovations such as catalytic converters, exhaust emission standards and unleaded gasoline standards. Indeed, until last month EPA had *never* denied a waiver request.

In denying the waiver, EPA acknowledged that “greenhouse gas emissions harm the environment in California and elsewhere.” EPA then translated the California GHG standard to a fuel economy standard, using an unknown methodology.

EPA also attempted to portray the new CAFE standards (as amended in the Energy Independence and Security Act of 2007) as a GHG reduction strategy. While Connecticut applauds the new fuel efficiency standards, we find no evidence that Congress intended or believed the fuel economy standards would supplant efforts to regulate motor vehicle GHG emissions.

Finally, the committee should not be misled by EPA’s press statement, which claimed that approving the California waiver would lead to a “confusing patchwork of state rules.” There are only two possible standards: Federal or California. Historically, the automotive industry has successfully implemented both; states like Connecticut have done their best to ease transitions from Federal standards to California standards.

## **Our Climate Change Challenge**

Every generation has challenges to overcome, from the Great Depression to the struggle for civil rights. For this generation, our response to climate change may be one of the issues by which those who come after us will measure our success.

The State of Connecticut is determined to do all we can responsibly do to reduce greenhouse gas emissions. We are acting now, not because we believe our state’s 3.5 million citizens will somehow tip the scales and avert disastrous climate impacts but because it is the right thing to do.

Connecticut has taken these actions to address our climate impacts:

- Adopted one of the first Climate Action Plans – a road map to reduce Connecticut’s GHG emissions to 1990 levels by 2010 and 10 percent below 1990 levels by 2020
- Adopted the California GHG motor vehicle emission standards
- Adopting rules to implement the Regional Greenhouse Gas Initiative (RGGI) – a first-ever cap and trade program for power plant carbon dioxide emissions
- Adopted some of the most robust energy efficiency programs in the nation for electricity, natural gas and fuel oil
- Adopted additional energy efficiency standards for a variety of commercial and consumer products and building energy efficiency standards
- In recognition of the fact that climate and energy are closely linked, while individual action is the ultimate catalyst for change:
  - Developed a public education and outreach effort focused on “OneThing” every person can do to save energy and protect the environment
  - Developed consumer outreach on environmental impacts of motor vehicle choices

## **Conclusion**

Connecticut is one of the states seeking judicial review of EPA’s decision. I believe that decision is unlikely to withstand judicial scrutiny.

Implementing the California GHG emissions standards is not a panacea. The states face many challenges as we establish programs designed to mitigate our climate change emissions. However, these standards represent an indispensable tool in an approach that will reach across all sectors of our economy and employ a “no-regrets” policy to reduce GHG emissions and lead us to be more efficient in all facets of our society.

Connecticut and many other states will continue to lead the way on developing climate change solutions. I sincerely hope that the federal government will join us, because we will be able to overcome many hurdles by working together.

I know your committee shares the concerns of Connecticut regarding climate change. I am confident that you will hear the merits of the case presented today. I ask you to do everything in your power to restore to states the flexibility we need to make a real contribution to the environmental challenges facing this nation and our planet.

Thank you.