

Spotlight on California:

January Public Hearings for Pioneering Federal and State Clean Cars Regulations

January 23, 2012 – Two public hearings this week in California will have a defining impact on the kinds of cars Americans drive in the next two decades. The topics are fuel economy, emissions, future automotive technology and fuels. The hearings are for separate but related regulatory proceedings, one federal, one state, and will be held in San Francisco and Los Angeles.

The U.S. EPA and U.S. DOT will hold a joint hearing in San Francisco January 24 on a proposed national vehicle fuel economy and greenhouse gas pollution standard set to take effect in 2017. Just two days later, January 26 and 27, the California Air Resources Board meets in Los Angeles to consider a comprehensive overhaul of the state's own vehicle regulations, which have served as the model for the federal rule and for other nations.

Proposed Federal Vehicle Standard

U.S. EPA, under its authority granted by the Clean Air Act, proposes to set greenhouse gas pollution standards for motor vehicles, requiring a fleet average of 163 grams of CO₂-equivalent per mile by 2025, equivalent to 54.5 mpg if met only by fuel economy. U.S. DOT proposes a consistent standard to nearly double fuel economy.

The U.S. Supreme Court affirmed the clear distinction between fuel economy and GHG pollution ruling in 2007 that "EPA has been charged with protecting the public's 'health' and 'welfare,' a statutory obligation wholly independent of DOT's mandate to promote energy efficiency. The two obligations may overlap, but there is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency." *Massachusetts et al. v. Environmental Protection Agency et al.*, 549 U.S. 497, 532 (2007).

In 2009, President Obama called on these two agencies to work together, along with California, to "administer their obligations yet avoid inconsistency." In response, the federal agencies began a joint rulemaking, and California voluntarily coordinated its vehicle emissions program with the

California Clean Cars Program is Four Different Standards

1. Low Emission Vehicle Greenhouse Gas (LEV III-GHG): This program will make sure new cars and light trucks produce fewer emissions that contribute to global warming. (The updated rules will apply to vehicles starting in 2017.)
2. Low Emission Vehicle Criteria Pollutant (LEV III-Criteria): This program will make sure new cars and light trucks produce fewer harmful emissions that contribute to smog and harm public health. (The updated rules will apply to vehicles starting in 2014.)
3. Zero Emission Vehicle Program (ZEV): This program will make sure that the newest, gasoline-free, ultra-clean vehicle technologies – such as electric and hydrogen fuel cell cars – are brought to California. (The updated rules will apply to vehicles starting in 2015.)
4. Clean Fuels Outlet: This program will make sure we have the infrastructure – including hydrogen for fuel cells and public charging for electric vehicles – in place to support clean, alternative fuel cars.

federal effort. The San Francisco hearing is the third in a series of regional public hearings on the proposed federal rules, which are expected to be finalized in summer 2012. Learn more: <http://www.epa.gov/otaq/climate/regulations.htm>

Proposed California Vehicle Standards

The California Air Resources Board worked closely with the federal agencies to develop the proposed federal standards while simultaneously developing its own “harmonized” vehicle greenhouse gas and smog-forming pollution standards. The state has also been updating its pioneering Zero Emission Vehicle (ZEV) Program and a rule to ensure ZEV fueling infrastructure. (See box on front.)

On January 26 and 27, the Air Resources Board will vote on the staff’s proposed update of this “Advanced Clean Cars” package of regulations. The decision will set in motion the regulatory certainty needed to spur development of the cleanest, most innovative vehicle technologies to help the state meet its near- and long-term emissions and climate change goals.

Later this year, after the federal emissions standard is finalized and considered “functionally equivalent” to California’s standard, California is expected to adopt a regulatory mechanism to allow automakers the flexibility to choose whether they comply with the national standard or the state standard.

Learn more: http://www.arb.ca.gov/msprog/clean_cars/clean_cars.htm

Hearing Details

U.S. EPA/DOT Hearing – January 24, San Francisco – 10:00 a.m.

Location: Hyatt at Fisherman’s Wharf, 555 North Point Street, San Francisco, CA 94133

California Air Resources Board Hearing – January 26-27, Los Angeles – 9:00 a.m.

Location: Metropolitan Water District of Southern Calif., 700 N. Alameda Street, Los Angeles 90012