

Testimony of Mary Nichols
Chair, California Air Resources Board
Clean Car Standards Rollback Hearing
Fresno, California, September 24, 2018

I am Mary Nichols, Chair of the California Air Resources Board. I am here today to ask U.S. EPA and NHTSA to withdraw their proposed “SAFE” rule. It undermines decades of progress on clean vehicle technology, wastes gasoline, and pumps more climate-changing gases into the atmosphere. The proposal will blow a hole in our efforts clean the air and fight climate change– a point that carries additional weight here in Fresno, which is, along with the Los Angeles Basin, ground zero for the worst air in the nation.

Your proposal shatters decades of California-federal cooperation that has led to breakthrough innovations over the past 50 years. We worked closely with the EPA as we introduced key improvements, like the catalytic converter and the check engine light. Those innovations pioneered in California are now standard – not only throughout the U.S. – but around the world. As a result, vehicles are longer lasting and the air is cleaner. That is how Congress intended the Clean Air Act to work, and the reason why federal law recognizes California along with its own agencies in designing vehicle emissions programs.

Your proposal deals a mortal blow to this state-federal cooperation, and places in extreme jeopardy our successful joint program on greenhouse gas emissions and fuel economy – a program firmly based on extensive joint analysis of available and effective vehicle emission technologies. This “one national program “for vehicles has been in place for a decade now, benefitting consumers, automakers and the environment.

And now, with a single ill-advised document, you are proposing to overturn those benefits, undermine industry certainty and stall our collective progress. This proposal is characterized by numerous flaws. We will be filing extensive technical comments on the document, including on the NEPA analysis, but I would like to briefly touch on some of the most egregious and illogical problems we see.

First and foremost, the proposal to attack California's vehicle emissions authority ignores years of history, agency practice, and jurisprudence. The faulty reasoning built on a flawed understanding of the role of the Energy Policy and Conservation Act has already been rejected by two federal courts, and it flies in the face of the federal Clean Air Act. It has to be withdrawn.

Second, the proposal to weaken vehicle emissions standards would pump millions of tons of climate-changing gases into the atmosphere – at a time when the evidence of changing climate is all around us. In addition, your own modeling is predicated on nearly doubling the current amount of carbon dioxide in the atmosphere – to nearly an astonishing 800 parts per million. That is nothing less than a recipe for disaster. Already, California is on fire and confronting drought and rising seas. We cannot sit idly by as you propose to flat line our efforts. We must continue to produce cars with fewer emissions, including millions more zero-emission vehicles.

Third, the technical analysis underlying your proposal simply makes no sense. It goes something like this: more fuel-efficient vehicles will be so prohibitively expensive that Americans nationwide will stop buying new cars. The solution is therefore to build dirtier, more polluting cars that will require consumers to pay more at the pump when they fill up. Both claims are not only absurd on their face; they are not supportable by fact.

In fact, over the past several years, automakers are seeing record sales of cars that feature a wider range of active safety elements and that are also cleaner, and more efficient thanks to our rules and the “one national program.” The right approach is to stay on our current track, provides long-term certainty to industry that innovation will be rewarded, and which is saving consumers money and providing safe, clean cars.

We know we can do better, because we have. As U.S. EPA’s own scientists confirmed, working with NHTSA and CARB staff, the existing program is cost-effective and successful. California and its partners are seeing ever-increasing numbers of cleaner cars, putting us on track to clean the air and address climate change. We should not suddenly slam on the breaks and go in reverse. This approach is a disservice to the American people and jeopardizes the American car industry at a time when the global auto market is moving in exactly the opposite direction.

California has always been at the forefront of efforts to protect the public from smog and climate change. We have been pleased to have a strong partnership with the federal government. No one wants to end that joint effort and I am certain no one looks forward to the years of litigation and the associated “investment stifling” uncertainty that would inevitably follow. However, we will take the actions we must to protect the public and follow the law if the federal agencies do not change course. It is not too late to choose a better way—a way that benefits consumers, air quality and climate, as well as investments and jobs tied to a clear and consistent long-term path of improvements.