

United States Senate

WASHINGTON, DC 20510

April 27, 2018

The Honorable Edmund G. Brown Jr.
Governor of California

The Honorable Charlie Baker
Governor of Massachusetts

The Honorable Dannel Malloy
Governor of Connecticut

The Honorable Kate Brown
Governor of Oregon

The Honorable John Carney
Governor of Delaware

The Honorable Tom Wolf
Governor of Pennsylvania

The Honorable Paul LePage
Governor of Maine

The Honorable Gina Raimondo
Governor of Rhode Island

The Honorable Larry Hogan
Governor of Maryland

The Honorable Phil Scott
Governor of Vermont

The Honorable Phil Murphy
Governor of New Jersey

The Honorable Jay Inslee
Governor of Washington

The Honorable Andrew Cuomo
Governor of New York

The Honorable Muriel Bowser
Mayor of the District of Columbia

Dear Governor Brown, Governor Baker, Governor Malloy, Governor Carney, Governor LePage, Governor Hogan, Governor Murphy, Governor Cuomo, Governor Brown, Governor Wolf, Governor Raimondo, Governor Scott, Governor Inslee, and Mayor Bowser:

We write to offer our support of California's waiver of preemption under the Clean Air Act, which allows it to enforce its own strong vehicle emissions standards. The federal vehicle emissions standards -- negotiated in an historic agreement between states, the federal government and the auto industry -- provide a critical line of defense against climate change, drive American innovation and competitiveness, and save consumers money at the gas pump.

We stand in solidarity with the states and D.C. that have adopted California's standards, and will oppose any unprecedented attack on the California waiver or on its standards.

Environmental Protection Agency (EPA) Administrator Scott Pruitt announced on April 2, 2018 that he had determined the federal vehicle emissions standards for model years (MY) 2022-2025 were set “too high,” and that EPA and the National Highway Traffic Safety Administration (NHTSA) would begin working to develop weaker standards.¹ The announcement also noted that the California waiver was being “reexamined by EPA under Administrator Pruitt’s leadership.”

Under Section 209 of the Clean Air Act, California can request a waiver that permits it to enforce its own emissions standards for new vehicles.² Other states are allowed to similarly adopt the California vehicle standards through Section 177 of the Clean Air Act.³ Washington, D.C. and twelve states have chosen to do so for vehicle greenhouse gas emissions: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington.

California’s waiver was approved in 2013 for its vehicle emissions standards through 2025, and despite Administrator Pruitt’s comments, it would be unprecedented to revoke a Section 209 waiver.⁴ Of the more than 100 waivers considered since the 1970s, only one was denied, and that decision was later reversed. None have ever been rescinded.

In a speech in January 2018, EPA Assistant Administrator for Air and Radiation Bill Wehrum said, “I have no interest whatsoever in withdrawing California’s authority right away.”⁵ We will vigorously oppose any effort by EPA to change this position.

In addition to being lawful, California’s standards save lives by reducing harmful emissions, cleaning up the air, and protecting our climate. By increasing miles traveled per gallon of gasoline, these standards save consumers money at the pump. And by reducing our reliance on foreign oil, these standards promote our national security.

Climate change represents a major threat to our country, our environment, and our health, and these standards address the source of nearly one-fourth of our national greenhouse gas emissions.⁶

¹ *EPA Administrator Pruitt: GHG Emissions Standards for Cars and Light Trucks Should Be Revised*, U.S. Environmental Protection Agency (April 2, 2018), <https://www.epa.gov/newsreleases/epa-administrator-pruitt-ghg-emissions-standards-cars-and-light-trucks-should-be>

² 42 U.S. Code § 7543

³ 42 U.S. Code § 7607

⁴ *Hearing on Nomination of Attorney General Scott Pruitt to be Administrator of the U.S. Environmental Protection Agency*, Committee on Environment and Public Works (January 18, 2017),

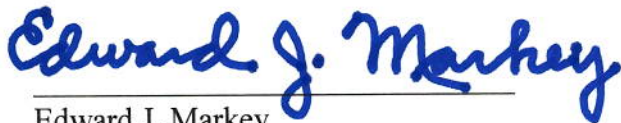
https://www.epw.senate.gov/public/_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf

⁵ Camille von Kaenel, *Air Chief won’t target Calif. Waiver ‘right away,’* E&E News (January 28, 2018), <https://www.eenews.net/climatewire/stories/1060072047/>

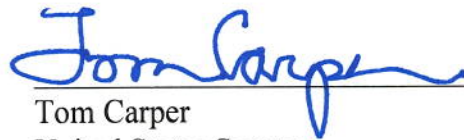
⁶ EPA-42-D-16-900 (July 2016)

We will stand in solidarity with California and the other Section 177 states and D.C. in their efforts to protect the waiver from any unconscionable effort by Administrator Pruitt to withdraw it.

Sincerely,



Edward J. Markey
United States Senator



Tom Carper
United States Senator



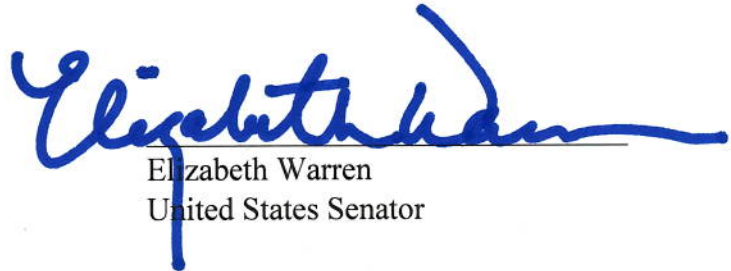
Charles E. Schumer
United States Senator



Dianne Feinstein
United States Senator



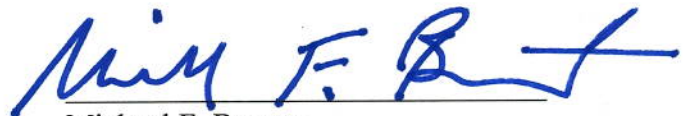
Kamala D. Harris
United States Senator



Elizabeth Warren
United States Senator



Kirsten Gillibrand
United States Senator



Michael F. Bennet
United States Senator



Benjamin L. Cardin
United States Senator




Richard Blumenthal
United States Senator



Chris Van Hollen
United States Senator




Sheldon Whitehouse
United States Senator




Jack Reed
United States Senator



Tina Smith
United States Senator




Cory A. Booker
United States Senator



Bernard Sanders
United States Senator




Robert Menendez
United States Senator



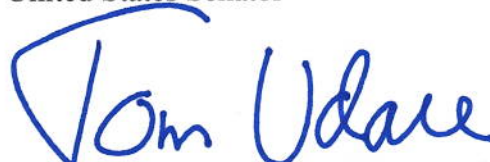
Richard J. Durbin
United States Senator




Brian Schatz
United States Senator



Jeffrey A. Merkley
United States Senator



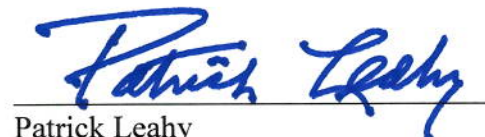
Tom Udall
United States Senator



Christopher A. Coons
United States Senator



Ron Wyden
United States Senator



Patrick Leahy
United States Senator