

In plea to EPA, Jerry Brown says Johnson can be 'hero or villain'

by Dana Wilkie

ARLINGTON, Va. - Saying the nation's top environmental officer will be "a hero or a villain" depending on how he rules, California Attorney General Jerry Brown on Tuesday laid out his state's case for strict vehicle emission standards during the federal government's first public forum on the matter.

In a hearing packed with charts, graphics, statistics and photos of melting Icelandic ice sheets, Brown argued that his state and 11 others need permission to enact tough tailpipe emission standards if they hope to curb the greenhouse gases believed to be a culprit in increasing floods, wildfires and other climate-related changes.

"Together we represent one-third of the population of the United States, and the people of our 12 states want to act now to combat global warming," Brown told a panel of U.S. Environmental Protection Agency staffers.

He later told reporters that EPA Administrator Stephen Johnson, a Bush appointee and 26-year veteran of the agency, should focus on the facts of California's case rather than on his political connections.

"He (Johnson) is the one man in the country who can do the most to attack global warming," Brown said. "He can be a hero or a villain."

California is the world's 12th-largest producer of greenhouse gas emissions, 41 percent of which come from transportation sources.

Brown's remarks were underscored by testimony from California EPA Secretary Linda Adams, former state Assemblywoman Fran Pavley, officials from the California Air Resources Board, experts on climate change and witnesses from Illinois, New Jersey, Rhode Island, Maryland and other states that want to adopt California-like standards.

Steve Douglas of the Alliance of Automobile Manufacturers was the only person to testify Tuesday against the stricter standards, which the auto industry is challenging in court on the grounds they amount to fuel economy standards, which only the federal government can set.

"A patchwork of state-level fuel economy regulations as is now proposed by California is not simply unnecessary, it's patently counterproductive," said Douglas, adding that the state has yet to prove that its standards would have a "demonstrable impact on global warming."

The panel of four EPA staffers - led by Margo Oge, director of EPA's Office of Transportation Air Quality - asked few questions during the hearing. California in 2002 passed legislation requiring automakers to gradually reduce greenhouse gas emissions starting with the 2009 model year. California may enact its own air pollution standards and other states can follow suit, but California must first get EPA permission. California applied for this permission in 2005, but the EPA has long delayed a ruling on that request.

After several private meetings with EPA officials that produced few commitments, Gov. Arnold Schwarzenegger last month said the state would sue the EPA if it did not act soon. Also last month, the U.S. Supreme Court ruled that the EPA was wrong in concluding it does not have authority to regulate greenhouse gas emissions linked to global warming.

Tuesday's hearing marked the state's first opportunity to present its case to the federal government in a public forum. A second hearing is planned in Sacramento for May 30.

"It gives them an opportunity to at last say, 'The science and the law are on our side, now what are you going to do about it?' " said Frank O'Donnell, president of Clean Air Watch, which supports the tougher standards.

EPA spokesman John Millett said the agency is "moving forward expeditiously and responsibly with - reviewing California's request."

"EPA will review the public's comments in order to make a sound decision on the waiver request," Millett said.

O'Donnell, like others, predicted that because President Bush opposes mandatory caps on gas emissions, the EPA is unlikely to approve California's request, which would set the stage for a near-certain lawsuit from the state.

"Suing the federal government is not our first choice, but we will have no choice if our legitimate efforts to protect our planet are blocked," Brown told the panel.

The president last week signed an executive order giving federal agencies until the end of 2008 to continue studying the threat of greenhouse gas emissions and what to do about them. Schwarzenegger's top environmental advisers called the order a "stalling tactic" that could prevent California from forcing automakers to introduce cleaner, more fuel-efficient vehicles sooner.

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