

October 1, 2020

Andrew Wheeler, Administrator  
United States Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW  
Mail Code: 1101A  
Washington, DC 20460

Dear Administrator Wheeler:

There was a time when California and the U.S. Environmental Protection Agency (EPA) worked together collaboratively to help promote a healthy environment. Unfortunately, during your time at U.S. EPA, and that of your immediate predecessor, the federal government has abdicated its role in protecting human health and the environment. It is remarkable that you prioritized fabricating baseless mistruths about Governor Newsom's bold climate directive rather than working for the health and welfare of Americans. Plainly stated, your politically motivated letter, dated September 28, continues an unprecedented series of attempts by the nation's chief environmental steward designed to obstruct responsible actions to protect Californians. This is especially troubling given that California is in the middle of a climate emergency which would benefit from U.S. EPA's assistance rather than political posturing.

Your agency has an obligation to regulate greenhouse gases as air pollution. This obligation was recognized by the U.S. Supreme Court in *Massachusetts v. Environmental Protection Agency* (549 U.S. 497 (2007)) and followed up by your Agency's science-based *Endangerment Finding* (74 Fed. Reg. 66,496 (2009)). Instead of properly regulating these pollutants, your Administration has allowed fossil fuel interests to dictate the agenda. Instead of taking action, you repealed the Clean Power Plan and you weakened the Clean Car Rules, as you have done with scores of other commonsense environmental protections. At a time when millions of Americans have contracted or are vulnerable to COVID-19, your attempt to remove critical public health safeguards is particularly reprehensible.

Contrary to the spurious assertions in your letter, the Clean Air Act (Sec.209, Title II) gives California special authority to establish vehicle emissions standards to meet compelling and extraordinary conditions in the State:

- **Compelling and Extraordinary Circumstances:** For decades, California has demonstrated the necessity for its own state standards to respond to compelling and extraordinary circumstances. These circumstances persist. Due, among other things, to its unique geography, California has long had a serious smog problem, which is exacerbated by climate change to which California is especially vulnerable. California still needs its own standards to address this problem and many other climate and air quality issues. In fact, air quality in many parts of the state faces major threats as climate change worsens, leading to more smog, more wildfires, and increased risk.

- **Air pollution in California today:** Although California standards have dramatically improved air quality, California's unique geography means air quality goals still require continued progress on vehicle emissions. Six of the ten cities with the worst air pollution nationwide are in California. Ten million Californians in the San Joaquin Valley and Los Angeles air basins currently live under what is known as "severe non-attainment" conditions for ozone. People in these areas suffer unusually high rates of asthma and cardiopulmonary disease. Zero-emission vehicles (ZEV) are a critical part of the plan to protect Californians. And frankly, progress on interstate sources (e.g., locomotives) for which U.S. EPA has primary authority, continues to be stalled, subjecting communities, particularly low income communities of color, to elevated levels of toxic pollutants.
- **Climate change:** Climate change makes air quality worse and poses many other threats to Californians. It is already increasing the number of hot days that can result in smog events, impacting precipitation and snowpack and exacerbating wildfires. California's geography – with its dependence on snowmelt for water supply, its vast coastline and sizable ocean economy, its fire-prone forests, and its enormously productive agricultural regions – makes the state especially climate-vulnerable. In the future, sea level rise will imperil the coast, and hotter temperatures statewide will lead to higher levels of pollution in our cities.

In California, our decisions are informed by science. Science and the simple power of observation are unequivocal: the impacts of climate change are happening today. Science underlies the Governor's Executive Order and is the foundation of our clean air regulations. We know that the tens of millions of vehicles on our roads and highways are the single largest source of planet-warming carbon pollution in California. They pump 40 percent of the state's total human-caused greenhouse gases into the atmosphere, rising to more than 50 percent if we include the refining and production of fossil fuels they require.

The auto industry as a whole, both in the United States and globally, is moving rapidly towards a zero-emission future. With the Governor's directive, we are unleashing the entrepreneurial spirit of innovators. California now has 34 manufacturers of EVs and related equipment and hundreds of thousands of Californians have jobs in the EV industry. In 2019, electric vehicles were California's second largest export, valued at more than \$7 billion. At a time when your administration has overseen the highest unemployment rate in our nation's history, one would think you would want to replicate California's economic model. After all, since 2000, California's GDP growth outpaced the rest of the U.S. by 17% while we aggressively reduced our greenhouse gas emissions.

Your claims about the lack of compatibility between renewable energy and grid reliability are simply inaccurate. We want to be clear about one factor that did not cause the rotating power outage: California's commitment to clean energy. Record breaking heat waves across California and our neighboring states exacerbated by ever-increasing climate impacts led to historic energy demand. In addition, ZEVs support a more reliable, resilient, and affordable grid. Indeed, electric transportation and increasingly cleaner electricity go hand-in-hand. Electric vehicle charging needs are dynamic and as a result provide a substantial opportunity to complement renewable energy resources. Vehicles can charge when solar is abundant and unplug during peak demand windows. Zero-emission vehicle charging is part of the future of California's clean electrical grid and works with a clean grid, not against it.

California will continue to lead the fight against climate change. We sincerely hope that you and your Agency redirect your attention to working collaboratively with states to address the very real climate emergency.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Blumenfeld".

Jared Blumenfeld  
Secretary  
Environmental Protection

A handwritten signature in blue ink, appearing to read "Mary D. Nichols".

Mary D. Nichols  
Chair  
California Air Resources Board