

AIR POLLUTION

How Republicans shifted gears on Calif. car emissions

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George Murphy celebrates with his family after winning the Republican Senate nomination in June 1964. Steve Young/Valley Times/Los Angeles Public Library

It was the summer of 1967, and Sen. George Murphy was on a mission.

The Republican urgently wanted to address air pollution in his home state of California. Due to its increasing population and unique topography, the Golden State had some of the smoggiest skies in the country.

The main culprit, Murphy thought, was harmful emissions from vehicles. So he delivered a powerful speech on the Senate floor endorsing legislation that would crack down on tailpipe pollution.

"By combining our resources of government, industry and individuals, I for one am confident that we can clean up the air," Murphy said.

That fall, Congress passed the Air Quality Act of 1967, [S. 780](#), from Sen. Ed Muskie (D-Maine). The act greatly expanded the federal government's air pollution research and development activities.

And three years later, President Nixon signed into law the Clean Air Act provisions to slash tailpipe pollution. Section 209 of the Clean Air Act empowers California to implement its own tailpipe emissions standards, subject only to a waiver from EPA. Section 177 allows other states to adopt California's rules, which can be stricter than the federal ones.

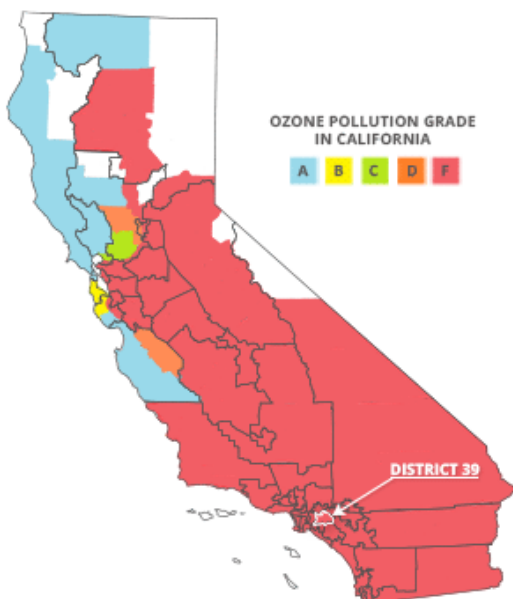
Thus California's clean cars program was established in part through the stroke of a Republican president's pen and the support of a Republican congressman.

Fast-forward to 2018, and California's authority to set its own standards is under attack by a Republican administration.

A draft EPA plan obtained by E&E News argues that California does not have the authority to regulate fuel efficiency under the Energy Policy and Conservation Act, which gives that power solely to the Transportation Department ([E&E News PM](#), April 27).

According to the draft plan, the Trump administration is also looking at freezing fuel economy targets at 2020 levels through 2026, putting it on a collision course with California and the 12 states that have adopted the state's rules.

Observers are quick to note the irony.



[+] California's 39th District, a battleground in the midterm elections, has some of the worst air quality in the state. Claudine Hellmuth/E&E News; Data: American Lung Association

"It is no small irony that the origins of California's clean cars program, and the authority to adopt it under the federal Clean Air Act, was strongly supported by California Republicans like US Senator George Murphy who pushed for those provisions in the federal Act, and by then-President Richard Nixon who signed the Act into law," Democratic California state Sens. Kevin de León and Ricardo Lara wrote in a recent [letter](#) to EPA Administrator Scott Pruitt.

John DeCicco, a professor at the University of Michigan Energy Institute, expressed a similar sentiment in a recent [opinion piece](#) in *Yale Environment 360*: "The key Clean Air Act provisions that successfully slashed tailpipe pollution, and that provide the legal basis for the more recent motor vehicle greenhouse gas standards, were developed under the administration of Richard Nixon," he wrote.

"Both Nixon and [President] Ford were business-friendly Republicans, but ones who recognized that as national leaders they had many other legitimate public concerns to address. Well, times have changed."

EPA is now working on a joint rulemaking with the National Highway Traffic Safety Administration, whose corporate average fuel economy (CAFE) standards are aligned with EPA's tailpipe rules.

The agencies are expected to send a notice of proposed rulemaking to the White House Office of Management and Budget as soon as this week. Officials with the California Air Resources Board have lamented the lack of outreach from the agencies since Pruitt's April 2 announcement about relaxing the rules ([Climatewire](#), April 27).

It's complicated



Former California Gov. Arnold Schwarzenegger (R). Gage Skidmore/Flickr

It's tempting to pinpoint a straightforward shift in the national Republican Party from supportive to critical of California's clean car program. But the narrative isn't so clear-cut.

For one thing, there's the Schwarzenegger factor.

In 2007, the George W. Bush administration denied California's request for a waiver. Then-California Gov. Arnold Schwarzenegger, a Republican, responded by suing EPA.

In a statement announcing the lawsuit, Schwarzenegger called the move "unconscionable."

Safe Climate Campaign Executive Director Dan Becker, who was active in advocating for fuel efficiency rules at the time, recalled, "Schwarzenegger was a Rambo, shoot-'em-up, workout guy, and at some point, somebody sat down with him, and he said, 'Good idea. We should have more of these clean cars.' And he became the champion for California clean car rules. And he was not a liberal Republican."

For another thing, at least one current member of California's congressional delegation is a vocal supporter of the state's clean cars program: Rep. Ken Calvert (R-Calif.), chairman of the House Interior, Environment and Related Agencies Appropriations Subcommittee.

"Like many Californians from across the political spectrum, I support our state's long-standing waiver and I have shared my views with Administrator Pruitt on many occasions," Calvert said in an emailed statement to E&E News.

"I believe there needs to be more conversations between EPA and California officials to address any concerns with the California waiver and discuss how to find balance for all stakeholders. I plan on doing my part in the coming days and weeks to facilitate that discussion."

At a recent hearing, Calvert pressed Pruitt to say whether he planned to go after the waiver.

"I could talk to you, administrator, about clean air," Calvert said. "Obviously, I'm from California. Clean air remains critically important to me and to my constituents in California."

Justin Wallin, a Republican strategist and pollster whose business is based in Southern California, said Calvert's constituents likely care about environmental issues.

"I suspect that Calvert's political instincts are probably pretty good for where his region is," Wallin said. "I think there's an appetite among most Californians, even conservatives, to be adoptive of things that are protective of the environment, with of course the usual exceptions. There's always going to be a chunk of people who are opposed."

Other Republican members of California's congressional delegation have made few public comments on the waiver issue.

House Majority Leader Kevin McCarthy (R-Calif.) previously voted "yes" on legislation that would block EPA from regulating greenhouse gas emissions to address climate change. But he has not publicly weighed in on the waiver, and his communications director didn't respond to a request for comment for this story.

Rep. Darrell Issa (R-Calif.) in 2011 **launched** an investigation into whether the Obama administration broke the law by holding closed-door meetings with the auto industry before promulgating new fuel economy rules. But he hasn't addressed the issue in recent public statements, and his spokeswoman didn't respond to a request for comment.

Cooperative federalism

Further complicating matters is the issue of cooperative federalism.

The idea is that states must adhere to the minimum standard set by the federal government but can also experiment with stricter rules.

Pruitt and some conservatives express suspicion of an overreaching federal government and tout their commitment to states' rights. But California's posture on vehicle efficiency presents a quandary for them ([Climatewire](#), March 23).

Under Pruitt's vision of cooperative federalism, state and federal regulators would work collaboratively, without "one-size-fits-all" mandates from Washington.

But to environmentalists and some Democrats, there's not much cooperative spirit in the EPA chief's pursuit of Trump administration priorities. Sen. Sheldon Whitehouse (D-R.I.) has dubbed the approach "cooperative corporatism," saying the decision to weaken the tailpipe rules was driven by requests from industry.

"There are questions about whether states' rights or federalism are things that [Republicans] really care about," said Sean Hecht, co-executive director of the Emmett Institute on Climate Change and the Environment at UCLA. "EPA has said many times that they believe in states' rights, except for California."

A test for the Calif. GOP

Republicans in California face a key question heading into the midterm elections.

"At a moment when the Republican Party is trying to reposition itself and regain strength in California politics, will the decision be for California Republicans to come out against the waiver going into the 2018 campaign?" said

Barry Rabe, director of the Center for Local, State and Urban Policy at the University of Michigan.

Retirements in Southern California have created several competitive races. Democrats consider many Republican-held districts to be battlegrounds, and they can't flip the House without winning at least a few of them.

According to a *Los Angeles Times* [analysis](#), the fourth most competitive race is for the seat being vacated by Rep. Dana Rohrabacher (R-Calif.). The seat is in the 48th District, which encompasses coastal Orange County.

Wallin, the Republican strategist, said constituents along the coast may have stronger appetites for environmental issues such as coastal protection.

"There's a certain acceptance of environmental stewardship and good citizenry that I think crosses all lines," Wallin said. "Certainly, you see that in coastal California, where you get districts like Dana Rohrabacher's that are fiscally conservative but deeply protective of the coast."

The most competitive race is for the seat being vacated by Rep. Ed Royce (R-Calif.), the chairman of the Foreign Affairs Committee, who has served 13 terms in Congress, according to the analysis.

The seat is in the 39th District, which includes northeast Orange County, eastern Los Angeles County and part of San Bernardino County. In its most recent "State of the Air" report, the American Lung Association gave the district an F grade.

"Obviously, Republican politicians in California are in a tough spot in this administration," Hecht said. "I imagine that a lot of those Republicans are in a tough spot because nobody wants their own air to be polluted."



Rep. Ed Royce (R), U.S. House/Wikipedia

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