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Biden Will Allow California to Set Climate Limits on Cars. The Move Could Influence the Rest of the Country.

The Golden State — which has long dealt with smoggy skies — often sets environmental policy other states eventually follow

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The Biden administration is restoring California’s authority to set its own limits on climate-warming emissions from cars, pickups and SUVs.

Long an environmental leader among states, California often sets precedent that the rest of the country follows. But when it came to combating climate change, the Trump administration hamstrung the Golden State by stripping it of the right to set its own rules around carbon pollution for the thousands of cars cramming the state’s freeways.

Now, the Biden administration has undone that Trump-era decision. And the reversal will resonate beyond California to the whole nation’s transportation sector.

What exactly is the Environmental Protection Agency doing?

On Wednesday, the EPA announced it is reinstating a “waiver” to regulators in California, giving them the ability to set standards tougher than those from the federal government for the carbon dioxide that spews out of automobile tailpipes.

Normally, it’s up to the federal government to cut pollution from gasoline-guzzling vehicles. Those mobile sources of emissions, after all, can cross state lines and taint the air no matter where they are made or sold.

But the law treats the country’s most populous state differently. Under the Clean Air Act, California — and California alone — can request permission from the federal government to write its own tailpipe standards if it can provide a compelling reason for doing so. More than a dozen other states have committed to following California’s lead on greenhouse gas pollution from cars.

Why can California set its own rules?

In the middle of the 20th century, the skies in Los Angeles were once so polluted that, on some days, it was difficult to see even a few blocks ahead. During bad episodes, Californians complained of burning eyes and upset stomachs.

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California regulators realized the cars clogging its burgeoning roadways were the reason for the smog. The state sprang into action, developing the country’s first vehicle emissions standards for smog-forming pollutants in 1966.

When federal lawmakers sat down to strengthen the Clean Air Act four years later, they decided to allow California to continue writing its own rules for cars. Over time, the decision has helped spur innovation in the auto sector. Catalytic converters, “check engine” lights and other ideas born out of California’s regulatory system have been adopted in cars sold nationwide.

How did California’s waiver become a political football?

In 2007, the George W. Bush administration denied the state permission to cap carbon emissions from tailpipes, arguing that global warming was a global problem — not something local to California.

But California secured that waiver once President Barack Obama took office. Federal and state officials then struck a deal to set limits on carbon emissions from cars. Automakers, wanting to avoid having to follow one set of rules from the federal government and another from California, went along with the plan.

Then President Donald Trump took office. His administration froze fuel-efficiency standards and moved to revoke California's waiver. The state, in turn, brokered its own deal with Ford, Honda and other major automakers to cut emissions in their fleets of new vehicles. Knowing how quickly things can change when the White House switches hands, car companies wanted predictability as they planned future models.

“It was a setback and a tremendous shock when the Trump administration decided to remove a previously existing waiver,” said Mary D. Nichols, the former chair of the California Air Resources Board, the state's clean air regulator. “We're glad to have it back.”

California's autonomy in the matter wasn't always controversial. As governor, Ronald Reagan, a Republican, established the California Air Resources Board in the 1960s. And it was under the “Governator” himself, Republican Arnold Schwarzenegger, when California first asked the EPA for authority to tackle climate pollution from cars.

What happens next?

With a new waiver in hand, California Gov. Gavin Newsom (D) and his team are better equipped to achieve their goal of phasing out new gasoline-powered cars entirely by 2035.

“Right now, we are standing on the edge of a cliff, and every day that we don't act, we come a little bit closer to falling over the edge,” California Attorney General

Rob Bonta said. “If we’re going to tackle the climate crisis, we’re all going to have to do our part.”

The Biden administration, for its part, finalized in December a rule to cut climate pollutants from cars and light trucks made over the next four years, largely based on California’s existing deal with automakers. Another EPA rule meant to clean up pollution from semis and other heavy-duty trucks is awaiting approval from the White House.

The next step for the EPA is to craft a new climate rule for cars built after 2026. With the waiver, California is now in a position to prod automakers to make deeper emissions cuts — even without the federal government’s help. That influence will be especially important if Biden isn’t elected to a second term in 2024 and a president with different views on climate change takes office.

“It’s worth recognizing that the only reason the feds are where they are on greenhouse gas emission standards for cars is because California went there first,” said Cara Horowitz, co-executive director of the Emmett Institute on Climate Change and the Environment at the UCLA School of Law. “The importance of California’s authority shouldn’t be dismissed just because the feds have now caught up to California.”

More to the point, the transportation sector is the nation’s biggest source of greenhouse gas pollution. Cutting emissions from new internal-combustion engines, along with encouraging the sale of electric vehicles, is crucial for meeting the country’s goals under the Paris climate agreement — and ultimately stopping dangerous levels of global warming.

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