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# State Regulatory Alert

## **CARB Approves Regulations Limiting Greenhouse Gas Emissions from Cars and Trucks**

After two days of public hearings, the California Air Resources Board (CARB) voted unanimously on Friday, September 24, 2004 to approve regulations limiting greenhouse gas emissions (GHG) from passenger cars and light trucks in the State. The regulation requires automakers to begin cutting emissions of carbon dioxide and other greenhouse gas emissions from cars and light trucks starting in the 2009 model year and to achieve 30 percent reductions in GHG emissions from 2002 levels by 2016.

The regulations are the result of legislation (AB 1493), signed into law by then-Governor Gray Davis (D) on July 22, 2002, which required CARB to adopt regulations by January 1, 2005 that “achieve the maximum feasible and cost-effective reduction of greenhouse gas emissions from motor vehicles.” Over the past two years, CARB has been holding workshops to implement AB 1493, which included topics such as environmental justice issues, different options for the form of the standard as well as alternative compliance strategies, and different technologies that can provide feasible and cost-effective reductions in GHG emissions from vehicles.

CARB’s CO<sub>2</sub> equivalent emissions standards will be incorporated into California’s current Low Emission Vehicle Program for auto and light-duty trucks (aka “LEV II”).

The following northeastern states already have California’s LEV II emissions standards in place: Connecticut, Maine, Massachusetts, New Jersey, New York, Rhode Island, and Vermont. In order to ensure that these Northeastern states continue to maintain federal authority for the LEV II programs (which is provided under the Clean Air Act), it is likely that they will have to adopt the CO<sub>2</sub> standards finally approved by California. (The Clean Air Act requires that all states adopting the California emissions program put in place IDENTICAL programs. New York Governor George Pataki already has stated publicly that the State of New York will adopt California’s greenhouse gas emission standards.

AB 1493 has been criticized by the automobile industry as an attempt to regulate fuel economy standards, an area that is under the sole jurisdiction of the federal government. The new GHG regulations may engender a future, judicial challenge by the automobile manufacturers, much as the emissions provisions and requirements for “Zero Emission Vehicles” (ZEVs) also were challenged in the court system.

The Alliance will continue to keep you apprised of actions by California and other states regarding regulatory programs and proceedings impacting the transportation sector.