

**Testimony of David P. Littell, Commissioner  
Maine Department of Environmental Protection**

**On Behalf of NESCAUM**

**On California's Request for Waiver of Federal Preemption  
for its Greenhouse Gas Emission Regulation for Passenger cars, Light-  
Duty Trucks, and Medium-Duty Passenger Vehicles**

**May 22, 2007  
Washington, D.C.**

My name is David Littell and I am commissioner of the Maine Department of Environmental Protection. I am speaking on behalf of NESCAUM – the eight Northeast states – in support of California’s request for waiver of federal preemption for its greenhouse gas emission regulation for passenger cars, light-duty trucks, and medium-duty passenger vehicles.

As you know, Maine is one of 11 states that exercised its option under Clean Air Act Section 177 to adopt California’s motor vehicle greenhouse gas emission standards as their own. This is because Maine has a vital interest in reducing global warming emissions from vehicular and other sources in our state. The need for action is no longer in dispute, as again confirmed recently by the world’s scientists. I would refer you to the latest Intergovernmental Panel on Climate Change (IPCC) report on climate change impacts, adaptation and vulnerability.

In terms of the specific risks of climate change for the northeast states, a study funded by the U.S. Global Change Research Program noted that global warming at the higher end of the projections would raise the average year-round temperature in Boston to a level currently measured in Atlanta, GA. Associated impacts on the region could include more frequent and intense storms; increased damage in coastal areas from flooding; reduced revenue from traditional New England industries such as maple syrup and skiing, as well as a variety of stresses on fishing grounds, forests, and coastal ecosystems.

Northeast air quality regulators calculate that approximately 25 percent of total anthropogenic greenhouse gas emissions in our region come from passenger cars and light-duty trucks. In order to address greenhouse gas emissions from the region, the New England governors have committed to reductions as part of the New England Governors'/Eastern Canadian Premiers' Climate Action Plan adopted in 2002.

The initial goals of the plan are to stabilize greenhouse gas emissions at 1990 levels by 2010, followed by a 10 percent reduction below 1990 levels by 2020. New York and New Jersey are also undertaking greenhouse gas reducing initiatives. Given the transportation sector's contribution to the greenhouse gas inventory, achieving the region's climate goals require effective means to address the motor vehicle contribution. In that context, all but one of the northeast states have adopted the new California requirements as one step among many needed to mitigate climate change impacts.

To assist the northeast states in developing a viable strategy to reduce motor vehicle greenhouse gasses, NESCAUM's sister organization – NESCCAF, which stands for Northeast States Center for a Clean Air Future – conducted the most comprehensive study to date to assess the feasibility and costs associated with introduction of technologies to reduce greenhouse gasses from passenger cars. The NESCCAF study team – which included contractors that work regularly with the automobile industry – used state-of-the-art computer modeling to evaluate 75 different technology packages on five vehicle types. The study team also conducted a comprehensive cost analysis on the technologies evaluated. The study found that cost effective technologies exist to reduce motor vehicle greenhouse gas emissions for a range of reductions of up to 55 percent. The study was designed to replicate a program that met the California greenhouse gas regulation requirements and restrictions.

Readily available technology exists today to reduce motor vehicle greenhouse gas emissions. The existing technology already being used in some motor vehicle engines includes, variable transmissions, tire technology, aerodynamics and cylinder deactivation. Minor adjustments to catalytic converters and air conditioning systems can also reduce greenhouse gases such as nitrous oxides and HFCs. Examples of vehicles that are available today with these technologies include the GM Tahoe with 6-speed automatic transmission and cylinder deactivation, the Honda Accord with variable valve timing and lift, and the turbocharged Volvo S60.

Recent high gasoline prices and the associated high costs of operating vehicles have spurred automobile manufacturers to introduce some of these technologies at no additional cost to consumers. Other cars, SUVs, and trucks are being planned that will include these and other technologies mentioned above.

California's December 21, 2005 waiver submittal provided a solid demonstration that its greenhouse gas emission standards meet relevant waiver criteria. The recent Supreme Court decision in *Massachusetts v. EPA* resolves any question regarding the legal basis for that demonstration. While we are pleased that EPA has now initiated the comment period and is holding this public hearing on California's request, we are mindful that California submitted its request over 15 months ago. We are now hopeful that a positive decision is finally forthcoming from EPA. However, in light of the significant time that has already passed without constructive steps taken, Maine supports California's recent letter noticing its intent to file an unreasonable delay suit if EPA continues to fail to take final agency action. We believe that mounting scientific evidence of the impacts of global warming necessitate immediate action to reverse the growth of greenhouse gas emissions from every sector, including transportation, as part of a comprehensive state led effort to combat global warming.

As you know, on May 14<sup>th</sup> President Bush issued an executive order concerning cooperation among federal agencies with respect to greenhouse gas emissions from motor vehicles, non-road vehicles and non-road engines.

While we are pleased that the Administration has acknowledged that motor vehicle greenhouse gas emissions are a problem that must be responsibly addressed, this executive order cannot change EPA's statutory mandate to grant or deny California's waiver within a reasonable period of time; nor should it change EPA's longstanding precedent of showing deference to California's vast expertise in setting responsible, feasible and cost effective motor vehicle emission standards. As \$3.00/gallon gasoline becomes the rule and not the exception, EPA is now poised both to help the states meet their greenhouse gas reduction goals and to help the US auto industry be more competitive in the global economy by building the vehicles that the world wants.

In closing, as Maine's Commissioner of Environmental Protection, I will briefly touch on Maine's perspective.

One of the dozens of impacts that climate change threatens is a sea level rise. A 2006 study by the Natural Resources Council of Maine estimated that a one-meter rise would submerge more than 20,000 acres of coastal real estate in Maine; at least 20 Maine cities and towns could lose 20 to 30 percent of their land to the sea including sewer treatment plants, highways, and many millions of dollars of coastal real estate.

To address the threat of global warming, the 2003 Maine Legislature enacted and Governor Baldacci signed into law "An Act to Provide Leadership in Addressing the Threat of Climate Change".

This Act set state goals for greenhouse gas reductions, adopting similar targets previously proposed by the New England Governors and Eastern Canadian Premiers 2001, signed by then-Governor King, and endorsed by Governor Baldacci. These call for a reduction to 1990 levels by 2010, to 10% below 1990 levels by 2020, and in the long term, "sufficient to eliminate any dangerous threat to the climate".

To accomplish this goal, Maine became the first state in the nation to establish in state statute two primary areas of action: lead by example initiatives, and development of a climate action plan. Following a stakeholder process, the DEP submitted a Climate Action Plan for Maine to the Legislature in December 2004. The Maine Plan identifies 54 greenhouse gas reduction options, among these the **second-greatest GHG emissions reduction option is to**, "Implement Tailpipe GHG Emissions Standards," which was subsequently adopted by Maine in 2005. I believe this illustrates that tailpipe carbon reduction is not only important to Maine but also to all the states that have adopted California's Greenhouse Gas vehicle Emission Standards.

Thank you for the opportunity to testify.