

State Officials Feel the Heat On Global-Warming Steps

Political, Industry Pressures Undermine
Efforts to Trump Washington on Caps

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State **efforts to cap emissions** linked to global warming are starting to collide with the same potent political and industry pressures that have stalled attempts in Washington to crack down on climate change.

State officials tout their activism as a rebuke to what they call the Bush administration's failure to address climate change on a national level. But from California to the Northeast, as these officials try to implement their plans to limit emissions of so-called greenhouse gases from everything from automobiles to power plants, many are quietly toning down the programs. The pattern so far suggests that on climate change, thinking globally and acting locally is easier said than done.

Take California, which has a long record of imposing some of the toughest environmental rules on the planet. Last year, the state legislature in the nation's biggest automobile market passed the first law in the U.S. capping auto emissions of greenhouse gases, which trap the sun's rays in the atmosphere and are believed to be responsible for a gradual rise in the Earth's temperature. Environmentalists and politicians, including California's departing Democratic governor, Gray Davis, hailed the move as the latest example of California forcing corporations to clean up their act. But in response to opposition from the auto industry, the bill's backers softened it -- making clear, for instance, that the state couldn't use the measure to discourage Californians from driving fuel-thirsty sport-utility vehicles. Now that the amended measure -- which isn't set to take effect until 2009 -- is on the books, regulators are struggling to write the rules in a way that will withstand a threatened court challenge from the auto industry.

Because the main way to reduce an automobile's emissions of carbon dioxide -- the chief suspected greenhouse gas -- is to make it burn less fuel, auto makers argue that the California law amounts to a state attempt to force better fuel economy. And that is Washington's prerogative under federal law, the industry says.

The industry already has gotten some mileage out of this argument in court. With backing from the Bush administration, which submitted a brief supporting the industry's legal reasoning, it got California to rewrite a separate clean-car program to omit any reference to improving fuel economy. Now, industry officials are suggesting that they will sue to block the new greenhouse-gas law unless the state waters down the measure.

So, California officials are considering writing their greenhouse-gas rules to largely ignore carbon dioxide, and instead mandate smaller changes such as better-sealed air-conditioning systems, which would reduce emissions of other greenhouse gases, says Jerry Martin, a spokesman for the California Air Resources Board.

At least four states have said they will cap greenhouse-gas emissions from certain sources, a movement that gained momentum after the Bush administration renounced the Kyoto Protocol, an international treaty aimed at curbing global warming. Despite growing resistance to the states' activism, proponents of tougher federal action say they are encouraged that states are trying. "I wish we could do that at the federal level -- just loosen something a little bit," says Judi Greenwald, who studies state global-warming programs for the Pew Center on Global Climate Change in Arlington, Va. The states seem to be making progress, while "at the national level, we seem kind of stuck."

Along the East Coast, 11 states are considering capping carbon dioxide emissions from power plants and instituting a regional trading system in global-warming emission credits. But it is unclear how tough those caps might end up. Two states -- Massachusetts and New Hampshire -- already have imposed carbon dioxide caps on some or all of their existing power plants that run on fossil fuel. Now, a big question is whether Pennsylvania, which produces much of its electricity by burning coal -- a major source of carbon dioxide -- will agree to a stringent cap, says Ashok Gupta, director of the air and energy program for the Natural Resources Defense Council, an environmental group based in New York. A state cap "has to be meaningful, but it also has to be realistic and doable," he says.

Several New England states joined in October in suing the U.S. Environmental Protection Agency to force it to regulate carbon dioxide emissions just as it regulates smog. The Bush administration has declined calls to regulate carbon dioxide nationally, saying Congress would have to change U.S. law first. In late October, the Senate rejected a carbon dioxide cap, though the measure got 43 votes, more than expected.

"When you see what the states are actually doing, as opposed to what rhetorically is showing up in press releases, what the states are doing is very rational," says James Connaughton, head of the White House Council on Environmental Quality. California's auto program "is being oversold," he argues, adding that the administration already has ordered a tightening of national fuel-economy standards starting in 2005 and will "probably have another round done before California finalizes anything and takes it to their legislature."

In Maine, the legislature in May passed the nation's first law calling for specific cuts in greenhouse-gas emissions across the economy. (New Jersey implemented a greenhouse-gas reduction goal in the late 1990s under Christie Todd Whitman, who at the time was the state's governor and who went on to become EPA administrator under President Bush.) Maine's action made it the first state to turn into law a 2001 pledge by several New England governors and eastern Canadian premiers to reduce global-warming emissions to 1990 levels by 2010 and to 10% below 1990 levels by 2020.

But Maine's law ended up softer than proposed. Originally, the bill mandated that by 2006 the state come up with a plan to achieve the cuts to which the New England governors and Canadian premiers had agreed. But when some industry officials complained that was too extreme, the bill was changed to specify that the greenhouse-gas plan "must address reduction in each sector in cost-effective ways" and to require that every two years the state "amend the plan as necessary," based on how much progress it is making.

Still, proponents are optimistic. "It's critical that we're like a bulldog in holding on this issue and making whatever progress we can make," says Ted Koffman, a Democratic Maine legislator who was active in writing the measure.

Tom Saviello will be watching that push closely. He works for one of Maine's biggest employers, Stamford, Conn.'s International Paper Co., as environmental manager at a plant in Androscoggin, Maine. As a Democratic state legislator, he helped to get the bill softened. "My concern about the bill was it set mandates," he says. "Right now, they're goals."

Mr. Saviello doesn't deny that global warming may be a problem. Old-timers in his district, which includes about 8,200 voters, tell him rivers used to freeze so deeply in the winter that they could ice-skate on them. That isn't happening any more. "I think there is something going on," he says.

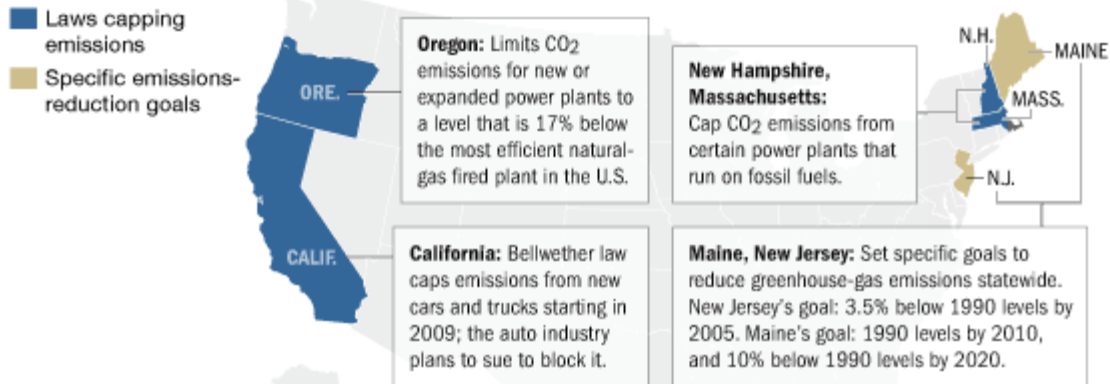
But he also notes that two saw mills and one clothespin mill, together employing nearly 200 people, closed in his district in the past year. He imagines the response if he went to, say, Strong, a town he represents, and told his constituents of a new environmental rule that might prevent them from wooing a new factory.

"When I go to Strong, Maine, and I have to explain to them someday that they can't build it because there's a carbon-dioxide problem," he says, "I might as well not plan to run for re-election."

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THINKING GLOBALLY, ACTING LOCALLY?

States have had mixed results as they pursue curbs on greenhouse-gas emissions in the face of what they call Washington's failure to act. A look at some of the most aggressive state efforts:



Source: *Pew Center on Global Climate Change*