

Why is Legislative Policy-Making and Agency Oversight So Important for SB 32 and SB 350?

Decisions by CARB Impact Californians

There has been a productive debate about the proper role of the California Air Resources Board in the implementation of current climate laws and the proposed legislation (SB 32 and SB 350). Below are just a few of the many examples illustrating the need for more legislative direction in the legislation and more vigorous oversight of CARB actions.

Costly Construction Equipment Regulations. In 2007, CARB pushed “landmark” rules for construction equipment despite pleas that firms were unable to afford such a major cost. CARB passed the rule and continued to refuse flexibility even as construction jobs continued to plummet by one-third. CARB finally pulled back only after an order from Governor Schwarzenegger in 2009.

Refining Rules Eliminate Competitors. CARB’s clean fuel rules in the 1990s show concern for whether independent refiners could afford the required upgrades. But the final rules dismissed these concerns, concluding that independents had to upgrade or “withdraw from the California gasoline market.” Seven independents subsequently stopped refining, a key factor at least three Attorney General reviews cite as contributing to supply and price volatility Californians have faced since then.

CARB’s clean fuel rules in the 1990s led to widespread use of MTBE. As increasing water contamination was discovered, Governor Davis ordered MTBE removed, but was forced to use a 4-year phase out to minimize economic disruption. Even this process proved too short, and Davis was forced to order yet another one-year delay.

Cool car initiative scrapped. CARB proposed rules on allowable car paint colors and penalizing low tire pressure. To make their work easier, CARB even sought to limit debate, proposing a rule with overly broad language allowing them to penalize any public testimony or any communication containing “false” facts. The program was halted.



What will the potential impacts be of the implementation of programs by California Air Resources Board:

Low Carbon Fuel Standard → **Potential gasoline and diesel cost increases**

Sustainable Freight Strategy → **Potential increase in the cost of consumer products and potential loss of blue collar middle class jobs**

Sustainable Community Strategies → **Potential local congestion and vehicle miles traveled fees**

Renewable Energy Mandates → **Higher utility rates for consumers**

Energy Efficiency Mandates for Buildings → **Increased costs for homeowners and business property owners**

Petroleum Reduction → **Major electricity rate increases to build infrastructure for the transition to electric vehicles**

Converting Diesel Vehicles → **Higher costs for school districts, local governments, and fleets**

New Building Requirements → **Significant cost increase for new home construction and CEQA compliance**