

**BEFORE THE**

**HOUSE OF REPRESENTATIVES SUBCOMMITTEES ON CONSUMER PROTECTION AND COMMERCE  
AND THE ENVIRONMENT AND CLIMATE CHANGE OF THE COMMITTEE ON ENERGY AND  
COMMERCE**

**HEARING ON**

**“DRIVING IN REVERSE: THE ADMINISTRATION’S ROLLBACK OF FUEL ECONOMY AND CLEAN  
CAR STANDARDS”**

**JUNE 20, 2019**

**TESTIMONY OF**

**JEFFERY LANDRY**

**ATTORNEY GENERAL**

**STATE OF LOUISIANA**

Chairwoman Schakowsky, Ranking Member Rodgers, Chairman Tonko, Ranking Member Shinkus, and Members of the Committee, thank you for the opportunity to testify today.

As stated, I am Jeff Landry - Attorney General for the great State of Louisiana. Before I begin, I want to acknowledge my former colleagues in the 112<sup>th</sup> Congress on the dais. It is great to see so many friends before me. I was honored to serve in this body on behalf of the 3<sup>rd</sup> Congressional District, and I am grateful for the opportunity to testify today before the People's Representatives.

I am here to support the Administration's proposed Safer Affordable Fuel Efficient (SAFE) Vehicles Rule, which will safeguard lower income Americans from unnecessary cost increases on newer, safer vehicles. I support the proposal for the following reasons:

**I. One national standard should apply.**

Congress has made clear that a single policy should apply and no compelling air quality concern exists that is unique to one state. California should not be able to effectively dictate fuel economy standards, tailpipe emission requirements, and mandates for zero emission vehicles (ZEV) for Louisiana and the rest of the Nation. When a state is allowed to usurp Congressional intent for their own designs, all the other states in our republic suffer. And by enacting its own regulations, California has circumvented Congress and used its size to create a de facto national fuel efficiency framework – affecting the national economy. Recognizing this abuse of authority, I joined a coalition of State Attorneys General in requesting the Administration revoke California's waiver for emissions regulation.

## **II. The Rule of Law should be upheld.**

I am a firm believer in the separation of powers and the rule of law. I am committed to these principles, even when it may not be politically prudent to be so. And I recognize that maintaining consistency in these arenas is critical for our republic and our economy to thrive.

I also concur with the assertion in the proposed rule that state-based greenhouse gas (GHG) tailpipe standards and ZEV mandates are preempted under the Energy Policy Conservation Act of 1975. That legislation was enacted to address the United States' dependency on OPEC by establishing uniform motor vehicle fuel economy standards across the entire nation.

Unfortunately, it is impossible to achieve those uniform standards under current federal policy. Instead, the voters of states that prefer more stringent standards are allowed the latitude to legislate as they see fit while voters in states that prefer less stringent standards find themselves subjected to the more stringent state's standards.

When we allow one state the authority to increase federal standards for the entire nation while preempting any state that seeks to decrease them, we are acting inconsistent with bedrock principles of federalism. We also thwart Congress' purpose of establishing a unified national standard when it created the CAFE program in 1975.

The current policy originated with a purported waiver issued under the Clean Air Act. I agree that this ostensible waiver was likewise preempted by the terms of the Energy Policy Conservation Act. Contrary to the Environmental Protection Agency's prior interpretation of the correlation of these statutes, state standards preempted under the Energy Policy

Conservation Act cannot rationally be afforded a valid waiver of preemption under the Clean Air Act.

### **III. The California GHG waiver is inconsistent with CAA.**

Finally, I believe the previous Administration improperly approved the California GHG waiver as it is inconsistent with Section 209 of the Clean Air Act. After the Bush EPA rejected California's application in 2007, the Obama EPA granted it in 2009. In doing so the EPA completely disregarded its own administrative duty and refused to consider opponents of the waiver's arguments. California was then allowed to enact its own emissions regulations.

There is no sound basis on which to conclude the California standards address "compelling and extraordinary" air quality concerns unique to California.

In fact, California has made no secret of the fact that their standards are aimed at establishing nationwide policy toward carbon emission and will not have a meaningful impact on ambient GHG concentrations in the state.

This is very problematic. California should not be able to dictate the cost of vehicles or the consumer choices of those residing in your home state or mine.

Moreover, the California standards are unlawful in that they are infeasible and do not provide sufficient lead time or give appropriate consideration to compliance costs under Section 209 of the Act.

I support implementation of President Trump's SAFE vehicle rule and urge revocation of the EPA previous waivers to California. After all, CAFE does not stand for California Assumes Federal Empowerment.

Thank you very much for your time, I look forward to answering your questions.