



September 28, 2020

THE ADMINISTRATOR

Governor Gavin Newsom  
1303 10th Street, Suite 1173  
Sacramento, CA 95814

Dear Governor Newsom,

Your recent Executive Order (EO) establishing a goal that 100 percent of new vehicle sales be zero emission by 2035 raises serious questions regarding its legality and practicality. As you are aware, the U.S. Environmental Protection Agency (EPA) in 2019 withdrew California's waiver of Clean Air Act preemption for the State's greenhouse gas standards for light duty vehicles and its zero-emissions vehicle program. While the EO seems to be mostly aspirational and on its own would accomplish very little, any attempt by the California Air Resources Board to implement sections of it may require California to request a waiver to U.S. EPA.

Beyond the significant questions of legality and the fact that consumer demand for the type of vehicle you would mandate has never met the aspirations of California's political leadership, your state is already struggling to maintain reliable electricity for today's demands. California's record of rolling blackouts – unprecedented in size and scope – coupled with recent requests to neighboring states for power begs the question of how you expect to run an electric car fleet that will come with significant increases in electricity demand, when you can't even keep the lights on today.

The truth is that if the state were driving 100 percent electric vehicles today, the state would be dealing with even worse power shortages than the ones that have already caused a series of otherwise preventable environmental and public health consequences. For example, in August, after the East Bay Municipal Utility District wastewater treatment plant experienced a power outage for nearly two hours, a pump station failure caused 50,000 gallons of raw sewage to be spilled into California's Oakland Estuary. Also, just this month, the inability to maintain a reliable energy system led the California Independent System Operator (CAISO) to seek an emergency exemption from federal air quality standards in an attempt to maintain power. This request was granted but comes at the cost of increased pollutants such as fine particulate matter and nitrogen oxide in California's air. As noted in CAISO's letter to the U.S. Secretary of Energy, "... in the CAISO's judgment, the loss of power to homes and local businesses in the areas affected by curtailments present a greater risk to public health and safety than the limited departures from those permit limits the CAISO requests here."

The goal of a modern, more efficient and environmentally friendly future is important and shared. At U.S. EPA we have employed a pragmatic and thoughtful approach to fulfilling our

mission. We have modernized regulations that reduce all manner of emissions from power plants, factories, aircraft, and vehicles while avoiding unnecessary consequences. This is why we as a nation lead the world in clean air and clean water progress, as well as overall greenhouse gas emissions reductions.

By setting realistic goals and maintaining a comprehensive awareness of impacts to the economy, we have achieved tangible environmental progress while improving the lives and livelihoods of our citizenry. I urge you to step away from commitments to singular technologies. While it is tempting for federal or state agencies to regulate with a particular technology in mind, it is far more productive to provide innovators the freedom to develop the technologies of tomorrow.

We stand ready to assist so the 40 million residents of California too can enjoy a better environmental future without enduring any unintended harm.

Sincerely,

Andrew R. Wheeler