

Trump environmental war against California ran deep. Here's how Biden changes everything

By Dale Kasler and Michael Wilner

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President Donald Trump, surrounded by area congressmen and farmers, holds up a document he signed that could help deliver water to San Joaquin Valley farmers during an appearance in a hangar at Meadows Field Airport in Bakersfield on Wednesday, Feb. 19, 2020. CRAIG KOHLRUSS ckohlruss@fresnobee.com

Mary Nichols has led California's resistance to President Donald Trump's climate policies. Now she may wind up leading the federal government's fight on climate and other environmental issues.

The chairwoman of the California Air Resources Board is widely reported to be on President-elect [Joe Biden's short list](#) of candidates for Environmental Protection Agency administrator — a vivid example of the sea change coming to Washington and the [clout that California](#) will have in shaping the new administration's views on a wide range of critical matters.

That will surely include Biden's environmental agenda. Whether Nichols gets the EPA job or not, experts say the Biden administration is likely to side with California officials on a host of environmental controversies — starting with the state's blueprint for limiting the amount of carbon spewed by cars and trucks. The Trump administration moved to strip California of its authority to regulate tailpipe emissions.

“(California) will be able to achieve more without the resistance the federal government has been able to put in place the last four years,” said Julia Stein, an environmental-law expert at UCLA.

Already there are signs of environmental policy tilting toward California. On Monday, General Motors Corp. CEO [Mary Barra pulled GM out of a lawsuit against California](#) over the tailpipe rules. “We believe the ambitious electrification goals of the President-elect, California, and General Motors are aligned, to address climate change by drastically reducing automobile emissions,” she said.

Also Monday, Biden chose former Secretary of State John Kerry as a special envoy on climate policy, offering further evidence of the path ahead. In July, Kerry [spoke](#) of the need for auto manufacturers to produce plans “for a faster transition out of internal combustion into electric.”

Still, changes won’t occur overnight. It will take months if not longer for the new administration to substitute its own environmental regulations for Trump’s rules on air, water, land stewardship and other issues. Meanwhile, groups aligned with the Trump administration plan on continuing their fight.

“It can’t turn on a dime,” said Richard Frank, who runs UC Davis’ California Environmental Law and Policy Center. “These processes have to be followed.”

Nichols, who is retiring next month as head of the air board, said she would take the EPA job if offered — but insisted she doesn’t know whether Biden’s transition team is actively vetting her. “Honestly, I don’t know what’s going on with the process,” she said.

In any event, her fellow California regulators say a partnership with Washington is long overdue, especially when it comes to issues like combating climate change.

[While California represents the world’s fifth-largest economy](#), it produces only 1% of the world’s greenhouse gas emissions. That makes it hard for California to make a dent in the world’s overall carbon footprint, no matter what sort of regulations it puts in place.

“California has been in this leadership role for decades and we really can’t do it alone,” said Jared Blumenfeld, secretary of the California EPA. The limitations become more pronounced “when you have the federal government working against you,” he said.

Biden will side with California on climate

[California has sued the Trump administration](#) more than 100 times. More than 50 of those suits have been about the environment, from pesticides to water pollution to energy efficiency standards for ceiling fans.

Perhaps the most contentious issue of them all began early in Trump’s presidency, when he visited a General Motors plant in Michigan and said he was planning to rescind stringent EPA rules, crafted jointly by the Obama administration and the California air

board, that required automakers to reduce tailpipe emissions of greenhouse gases. The rules said tailpipe emissions must be reduced by around 30% by 2025, a move that will also raise average fuel mileage from 35 miles per gallon to 50.

Although his pledge covered the entire nation, Trump's declaration rang loudest in California, where state officials saw it as a direct assault on their decades-long crusade to reduce air pollution.

Federal law gives California, because of its smog problems, the unique authority to set tougher air pollution regulations than the federal government — as long as the EPA gives its blessing in the form of a waiver. The EPA under President Barack Obama granted California the waiver to regulate carbon emissions from motor vehicles.

Trump didn't merely seek to roll back the Obama rules, substituting a much gentler restriction on tailpipe emissions. His administration revoked California's waiver to chart its own course on carbon tailpipe emissions. That meant not only were the Obama rules on tailpipe emissions and fuel mileage scrapped, but California was forbidden from implementing its ambitious "clean car" program, which requires automakers to sell electric vehicles and hybrids in ever-increasing volumes.

The Trump administration argued that the Obama-California plan would drive up manufacturing costs and consumer prices for new vehicles. State officials countered that savings on gasoline would offset the higher sticker prices.

Faced with Trump's rulemaking, [California was openly defiant](#). It sued the federal government. The Air Resources Board reaffirmed its commitment to the Obama rules, voting to require carmakers to comply with those regulations.

Carmakers split over Trump, California climate rules

The board and [Newsom cut a deal with five major automakers](#) — Ford, Honda, Volkswagen, BMW and Volvo — in which the manufacturers agreed to abide by a slightly diluted version of the original Obama rules. Trump's Justice Department launched, and then dropped, an antitrust investigation of the carmakers that aligned with California. Remaining carmakers, led by GM and Toyota, have sided with Trump's rules — until Monday, when GM withdrew its support for Trump.

In the end, the Trump administration has been able to finalize its rules and revoke California's special air-pollution powers. The decision is being challenged in the courts.

Now, as Biden prepares to take office, experts say the new administration is certain to rescind Trump's rules. What replaces them is unclear. Nichols said the deal California struck with Ford and the four other companies could serve as a model for the entire industry, and the entire country. But she said such an approach would likely have to be negotiated with the carmakers that have sided with Trump.

“You should talk to everybody,” she said. “It’s important that we hear from the other companies.”

Why not simply impose stricter rules? In part because the existing litigation wouldn’t automatically disappear just because the Biden administration drops the case against California. The pro-Trump automakers, as well as a dozen states led by Republicans, have intervened in the case and can keep the litigation alive.

“The overarching issue — of the degree of California’s role, and their ability to try to coerce national standards through state-based actions, which is at the heart of the waiver litigation — that will continue forward,” said a source close to the Trump administration, who was unwilling to be quoted by name while the president refuses to concede the election. “Parties to this who have sort of become interveners on behalf of the (federal) government can pick up the argumentative ball and carry it forward.”

Even if the litigation gets cleared up, it will take a lengthy process for Nichols, or whoever runs the EPA, to implement stricter greenhouse gas regulations.

“She can’t just flip a switch and make that happen, because we implemented this through a proposed and then final rule-making process that is supported by significant record,” this source said. “She or however the administrator is in their relative team will have to go through that process as well. And they not only will have to say why it should be changed, but they’ll have to come up with a record of support to justify it.”

Other major climate initiatives begun by California are likely to have clearer sailing — because they haven’t yet been overturned by the Trump administration. For instance, Newsom recently signed an executive order declaring that California will ban the sale of new gas-powered cars in 2035 — a move that Biden is likely to embrace in some form.

“The direction of travel in the transportation industry is moving to electric, and the question is not whether that’s going to occur, but rather how quickly, and who is going to lead in that transition, who is going to benefit the most and who is going to be left behind,” said John Morton, who was Obama’s senior director for energy and climate change.

California stymied Trump’s water promise

[Trump came to Bakersfield bearing the gift of water](#). Gov. Gavin Newsom had an unwelcome surprise for him.

The president held a rally in February at a Bakersfield airport hangar to hail the completion of a new set of rules governing the Sacramento-San Joaquin Delta, the estuary that serves as the hub of California’s complicated north-to-south water delivery system.

The new rules, he told the cheering crowd, would relax environmental restrictions that limit the use of the giant Delta pumps that bring water to the parched farms of the San

Joaquin Valley — fulfilling a campaign promise made in 2016. The result would be “a massive amount of water for the use of California farmers and ranchers and all these communities that are suffering,” he said.

Yet Trump hadn’t even stepped to the microphone when Newsom announced from Sacramento that California was suing the federal government over the new rules. The governor said Trump’s master plan would devastate fish populations that ply the Delta in violation of the Endangered Species Act. Decades of pumping had already decimated populations of salmon and Delta smelt.

Weeks later, the state succeeded in halting a piece of Trump’s vision. [Attorney General Xavier Becerra secured an injunction](#) blocking the Trump administration from accelerating pumping during a crucial four-week window in May, when fish migrations in the Delta intensify.

All told, Trump’s four-year crusade to overhaul California’s water supply — and boost deliveries to Republican-voting Valley counties — didn’t amount to much. So far, the rules completed in February have “maybe delivered a little bit” of additional water, said Doug Obegi, a lawyer with the Natural Resources Defense Council. “It was not for a lack of trying.”

What happens come January is uncertain. Environmentalists complained that the Trump administration twisted scientific data to concoct the new rules, and Obegi said it’s likely the Biden administration will take a fresh look at them.

Other water issues loom. Just the other day the Trump administration announced it had finalized [a plan to raise Shasta Dam](#) by 18 feet, increasing the storage capacity in California’s largest reservoir by almost 15%. State officials and Indian tribes have been fighting the plan for years, arguing that it would cause massive harm to the area surrounding the McCloud River, which flows into Shasta Lake.

Environmentalists like John McManus of the Golden Gate Salmon Association say the fate of Shasta Dam won’t be a top priority for the Biden administration, but they believe eventually the project will get squashed.

“They’ll get around to it; we’ll be OK,” McManus said.

Yet Mike Wade, of the California Farm Water Coalition, said he thinks the Biden administration might support the Shasta project, along with other initiatives led by the Trump administration.

“We’re not going to see wild pendulum swings all the way back,” Wade said.

Trump fought California over wildfires

The moment went viral: Meeting with Newsom and other state leaders near Sacramento, as the worst wildfire season in California history raged, Trump said — without a shred of evidence — that [global warming will soon give way to global cooling](#).

Trump often argued with California about what was causing the state's rash of mega-fires and who should pay for them.

He frequently threatened to withhold federal aid, based on his insistence that California had mismanaged its forests — a claim that ignored the fact that 57% of California's forestland is owned and managed by the federal government. His administration [briefly withheld \\$346 million worth of aid](#) for a group of fires that started in early September, saying the fires weren't big enough to justify the funding. The White House reversed course and granted the assistance two days later.

For all the noise, however, the Trump and Newsom administrations have established a fair amount of common ground on how to deal with wildfires. Both sides have agreed that forests must be managed more aggressively to remove fuels; Newsom signed [a "shared stewardship" memorandum](#) in August with Victoria Christiansen, head of the U.S. Forest Service, pledging to double the number of acres to be treated with deliberate burns and mechanical thinning.

The Biden administration is likely to use that memo as a starting point toward making California's forests healthier, said Rich Gordon, president of the California Forestry Association, the timber industry's main lobbying organization in the state.

"We need to reduce the fuel load in the forests," Gordon said. "The new administration will look favorably on forest management. "Having a vice president that comes from California and has seen the devastation that comes from wildfires, that will help those of us in the West build a case."

Yet hurdles remain. Both the state and federal governments have to commit funding to give the memo any force, he said.

And some environmental groups remain wary of chopping down more trees. The Trump administration finalized new rules last Thursday that [streamline the environmental studies](#) that must be performed before a major forest-thinning project can be undertaken on Forest Service land.

Defenders of Wildlife, among others, blasted the decision as a means of authorizing rampant clear-cutting and destroying habitat while shutting down the public's ability to protest.

The rule "epitomizes the Trump administration's disastrous approach to the environment — it shuts out the public, ignores the science, and delivers favors to special

interests, regardless of the harm to forests, water, wildlife and the climate,” the group said.

Gordon said it’s possible Biden’s team could take another look at the decision. “This is a ruling that could well be overturned by the next administration,” he said.



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Video Link: Mary Nichols, Chairwoman of the California Air Resources Board, speaks during the EPA/National Traffic Safety Administration hearing on the Trump Administration's proposed vehicle emissions standards on Monday morning, Sept. 24, 2018. By John Walker

<https://www.fresnobee.com/latest-news/article218957460.html>

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