

Environmental Law Under Trump

**Lewis and Clark Law School
April 6, 2018**

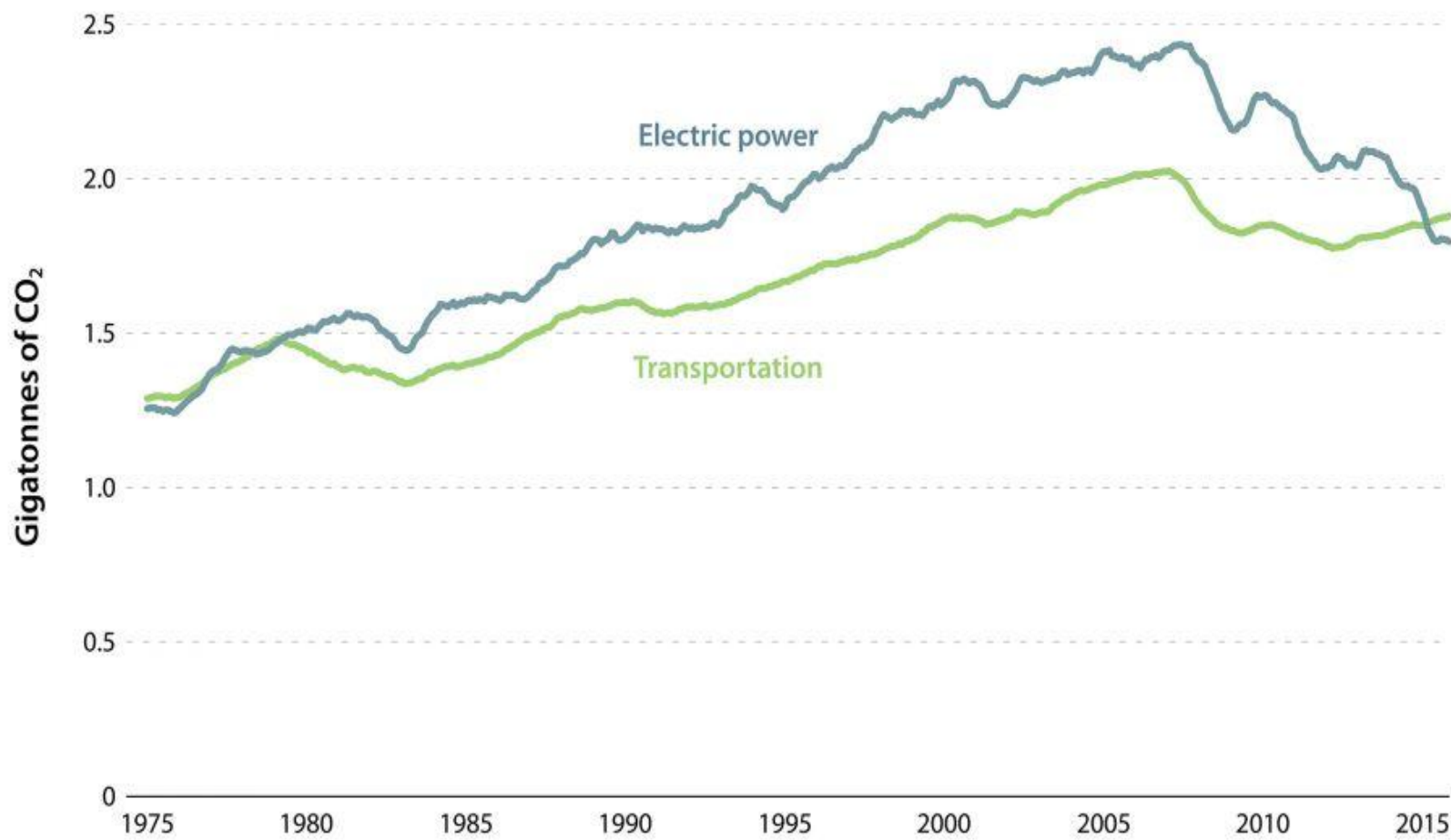
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The Environment**



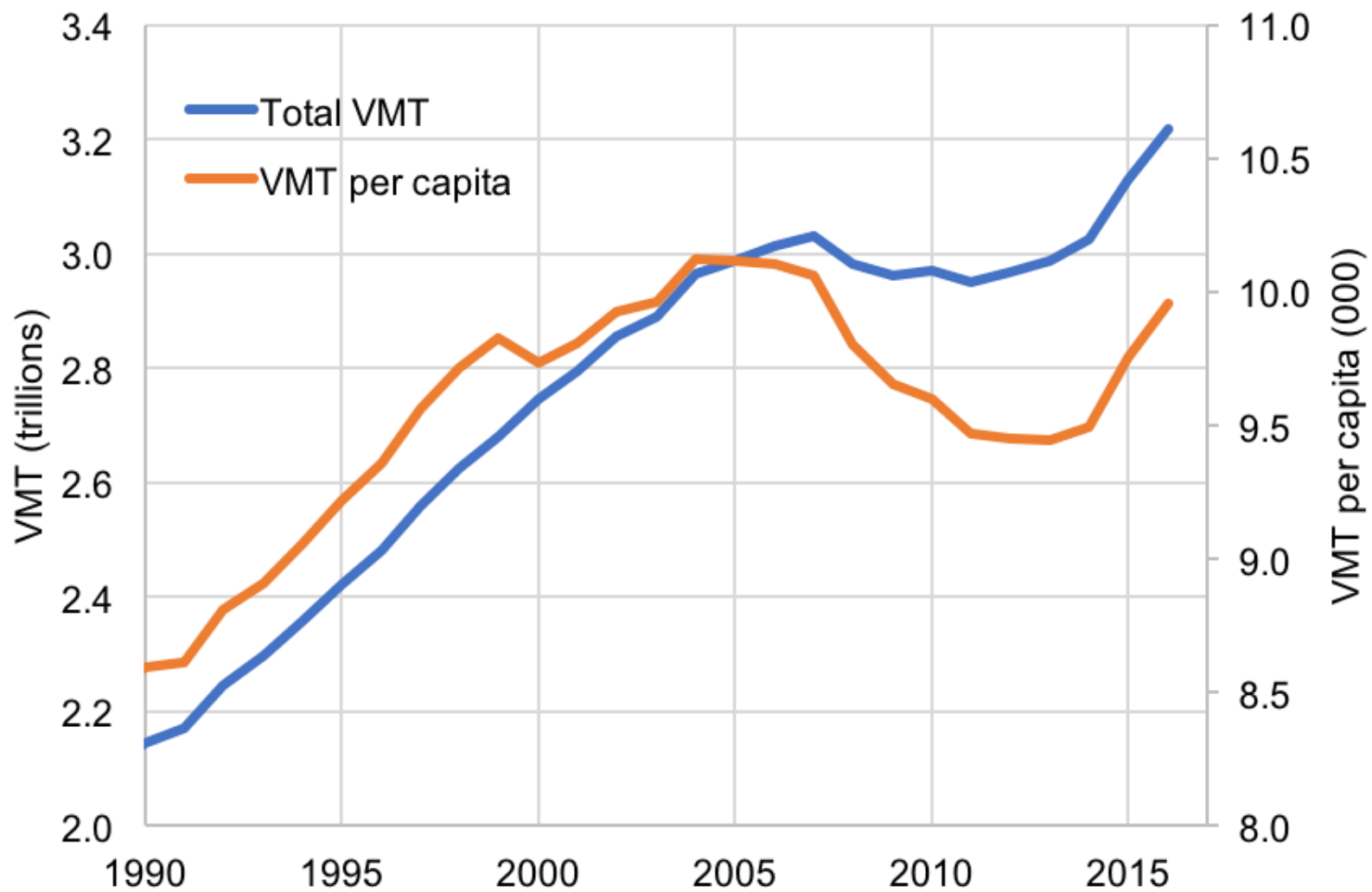
FIGURE 9.

U.S. CO₂ Emissions by Sector, 1975–2016

CO₂ emissions from transportation began to increase again in 2013.



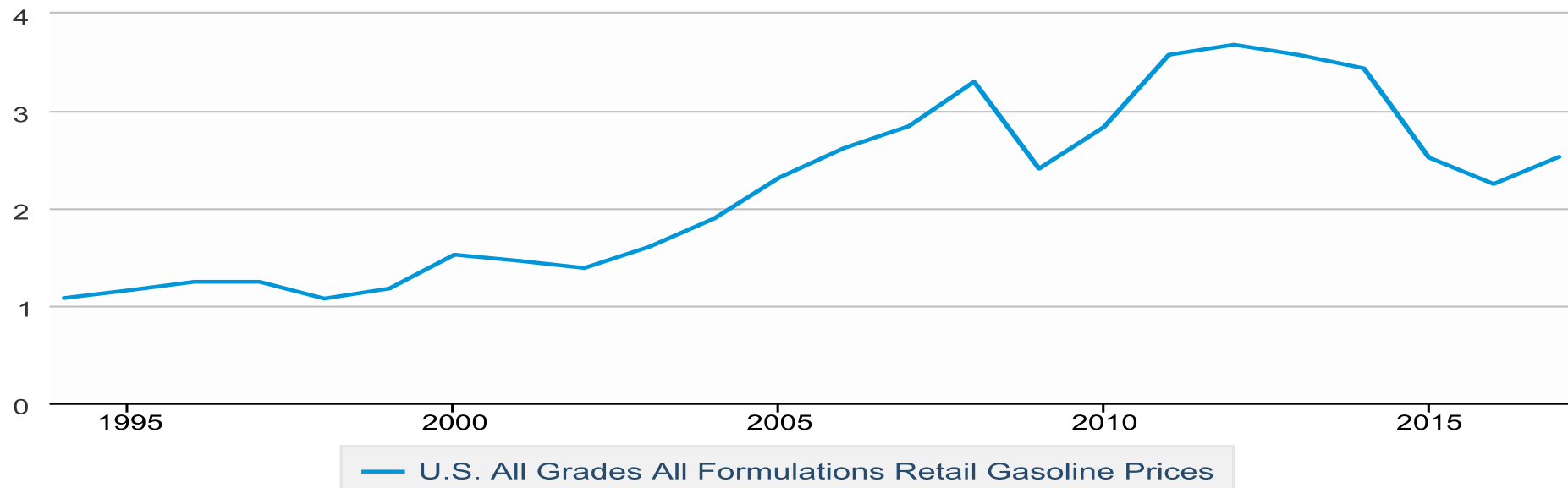
Source: EIA 2016g.



State Smart Transportation Initiative

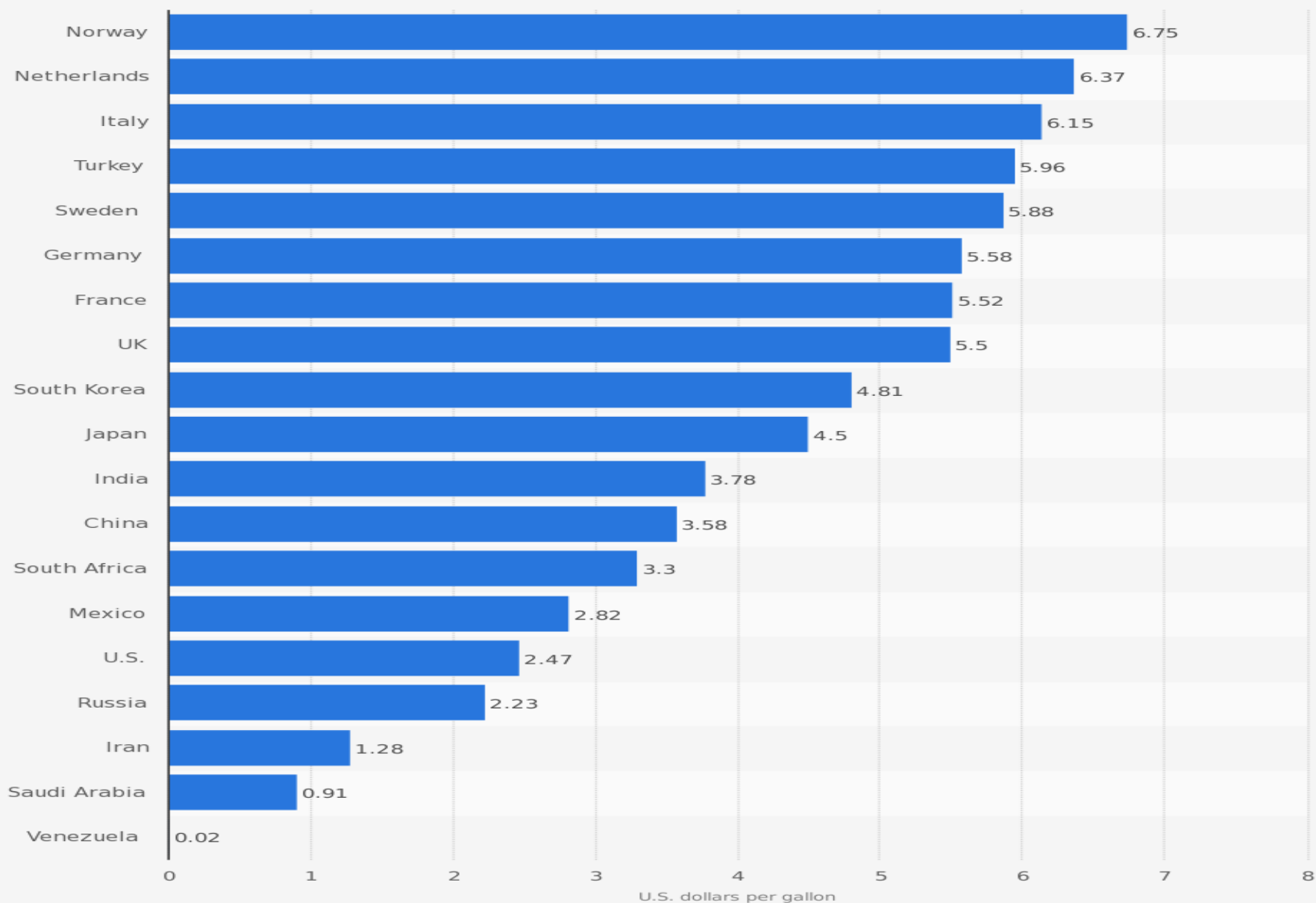
U.S. All Grades All Formulations Retail Gasoline Prices

Dollars per Gallon



Source: U.S. Energy Information Administration

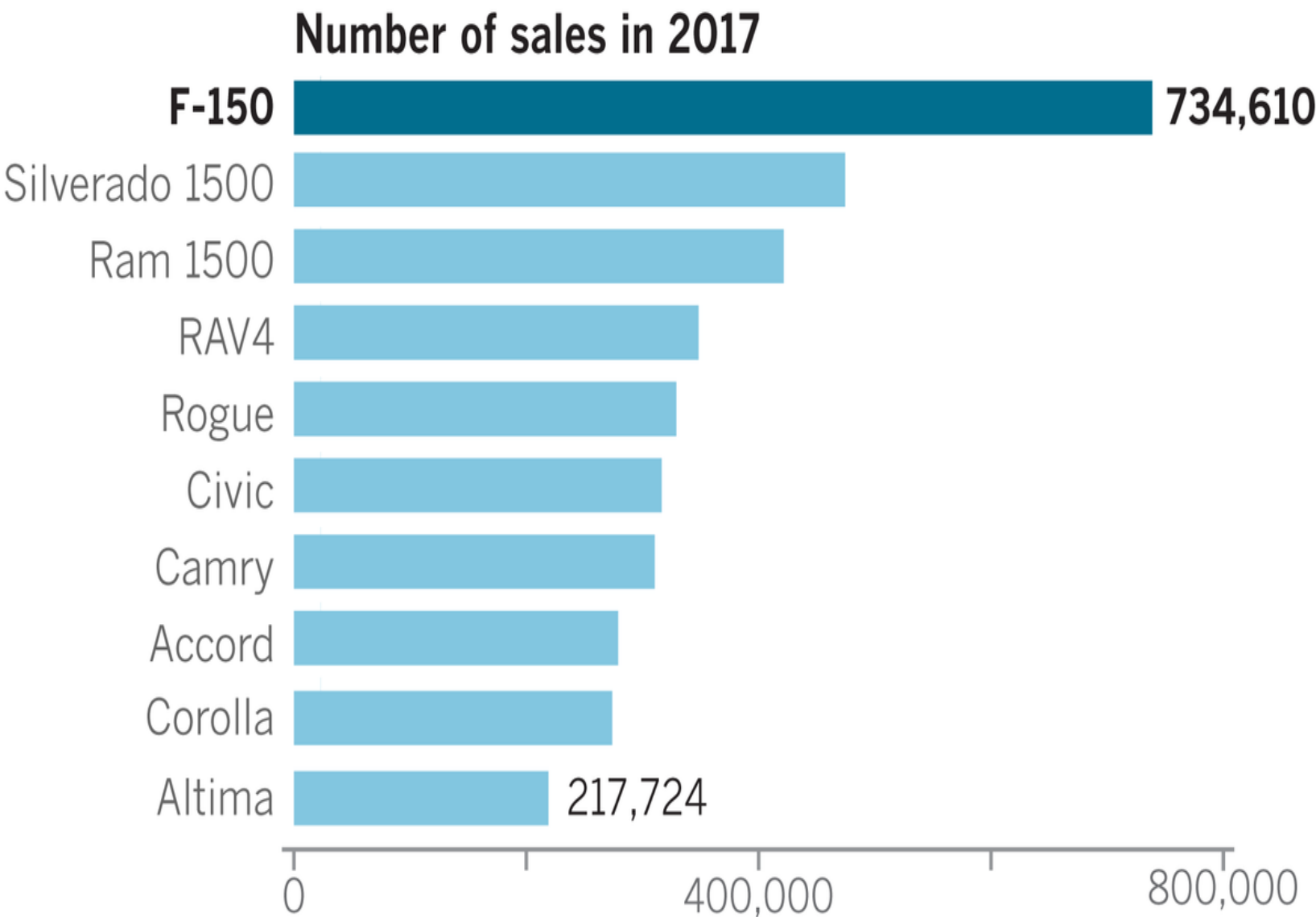
Gasoline prices in selected countries worldwide as of 3rd quarter 2016 (in U.S. dollars per gallon)



Source
Various sources; Bloomberg
© Statista 2017

Additional Information:
Worldwide; Various sources; Q3 2016

Most popular vehicle sales through October

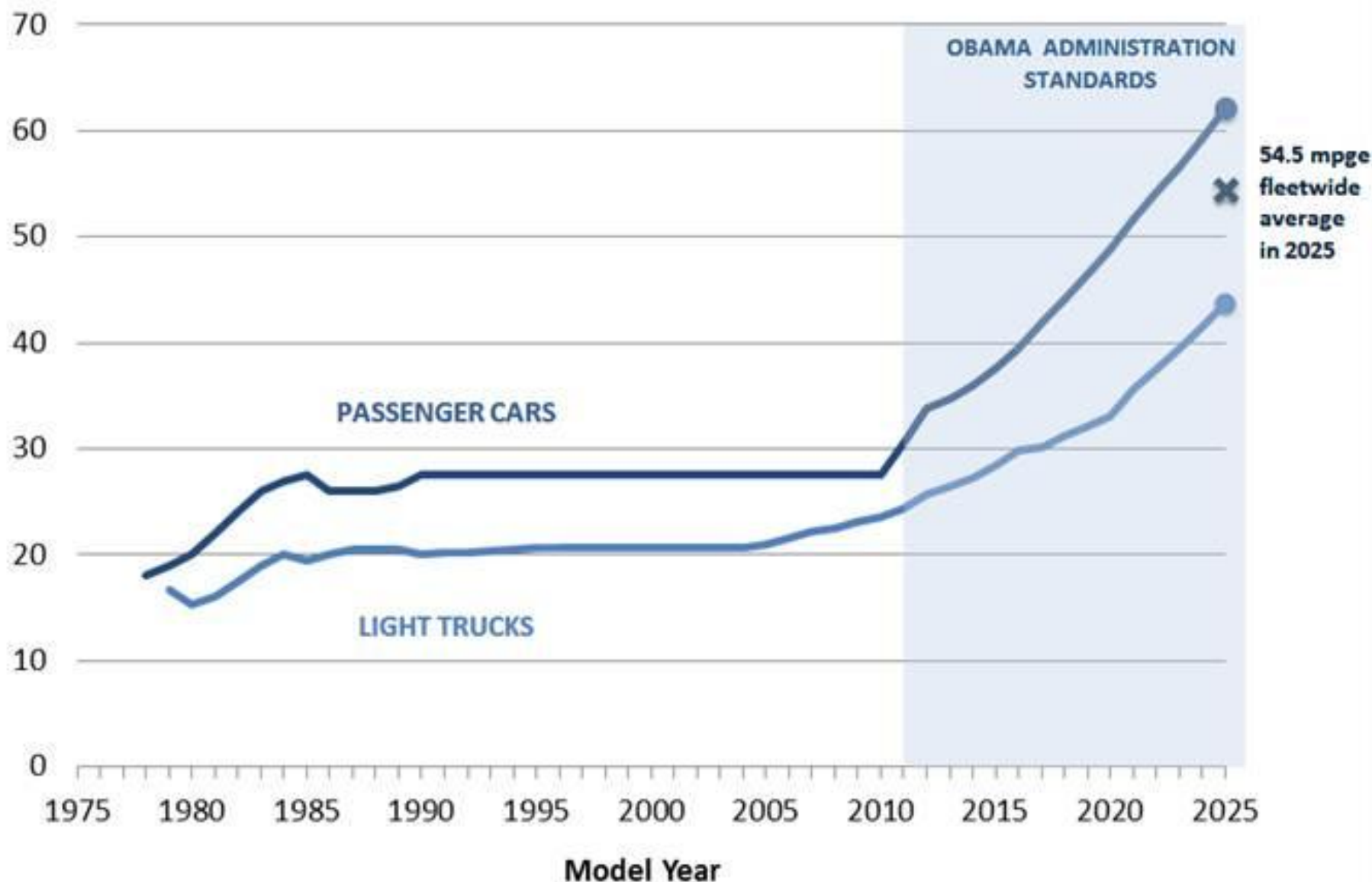


Source: TrueCar

Ellis Simani / @latimesgraphics

Light Duty Vehicle Standards 1978-2025

miles per gallon equivalent



MY1978-2011 figures are NHTSA Corporate Average Fuel Economy (CAFE) standards in miles per gallon. Standards for MY2012-2025 are EPA greenhouse gas emission standards in miles per gallon equivalent, incorporating air conditioning improvements.

Waiver components

GHG Standards for Tailpipes

ZEV Program

LEV III Program

EPA should deny California waiver if:

California does not need such standards to meet compelling and extraordinary circumstances

Administrator finds that manufacturers do not have appropriate time to develop and apply technology, taking into account cost of compliance

Can EPA revoke once the agency has granted a waiver?

Does either statutory exception to granting apply?

What are California's compelling and extraordinary circumstances?

Programmatic – part of CA's longstanding need to have separate standards given historic air problems, two most polluted basins in the country

State has compelling and extraordinary circumstances (ozone, droughts, fires, snowpack, sea-level rise)

Sufficient time for development, application of technology considering cost of compliance?