



DEPARTMENT OF THE ATTORNEY GENERAL

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Hawaii Attorney General Connors Urges NHTSA to Repeal Effort to Restrict California's Authority to Set Clean Car Standards

HONOLULU – Hawaii Attorney General Clare E. Connors joined a coalition of 22 attorneys general and the cities of Oakland, Los Angeles, San Francisco, and San Jose in urging the National Highway Transportation Safety Administration (NHTSA) to repeal what is known as the “Preemption Rule” – a rule that purported to preempt California’s greenhouse gas and zero-emission-vehicles (ZEV) standards. California’s standards have been adopted by states representing more than one-third of the U.S. automobile market and have resulted in emissions reductions of hundreds of thousands of tons annually. In the letter, the coalition challenges NHTSA’s authority under the Energy Policy and Conservation Act to promulgate the Preemption Rule and argues that the rule must be repealed.

“In the absence of proper authority, the NHTSA cannot preempt California’s vehicle emissions and pollutants standards,” Attorney General Connors said. “This challenge to California’s effort hurts every state, including Hawaii, who seeks to protect its communities from harmful pollution and environmental hazards.”

California’s greenhouse gas and ZEV standards are critical to the fight against climate change, for improving air quality and protecting public health, and for driving technological innovation. Fifty years of experience has shown that the adoption of vehicle emissions standards not only reduces vehicular pollution in the present but drives the development and deployment of technologies that enable further cost-effective emission reductions in the future.

While Hawaii has not adopted California’s greenhouse gas and ZEV standards, it has joined with other states and the District of Columbia in a joint Memorandum of Understanding to establish the goal of reaching 100% zero emissions for all new medium and heavy duty vehicle sales by 2050, with an interim target of 30% ZEV sales by 2030. Hawaii’s Clean Energy Initiative establishes a goal to achieve 100% Renewable Portfolio Standards by 2045, and Act 234 (2007) requires greenhouse gas emission reductions to 1990 levels.

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In the comment letter, the coalition argues that NHTSA must repeal the Preemption Rule because NHTSA lacked authority to promulgate it in the first place and should do so for the additional reason that the rule was an unprecedented and unwarranted attack on longstanding state laws central to states' efforts to protect their residents from the harmful effects of air pollution and climate change.

Attorney General Connors joins California Attorney General Rob Bonta and the California Air Resources Board, as well as the attorneys general of Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Vermont, Washington, Wisconsin, and the District of Columbia as well as the city attorneys of Oakland, Los Angeles, San Francisco, and San Jose, in filing the comment letter.

A copy of the comment letter can be found [here](#).

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