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EDITORIAL

California Rules

California has now sued the Bush administration over its refusal to allow the state to set its own rules controlling greenhouse gas emissions from cars and trucks. The state's legal arguments are sound and so is its policy, especially when one considers the White House's seven-year failure to seriously confront the problem of global warming.

The Clean Air Act of 1970 allows California to set stronger air pollution standards as long as it gets a waiver from the federal government. California has applied for many such waivers over the years and has never been denied. One result is that the state has been a leader in the effort to reduce pollutants like those responsible for smog and acid rain.

In 2005, California sought permission to regulate vehicle emissions of carbon dioxide, the main global warming gas. For two years, the Bush administration hid behind the claim that carbon dioxide was not a pollutant covered by the Clean Air Act. The Supreme Court demolished that argument last year. The administration still denied California's request on equally spurious grounds.

It argued that a national standard would be preferable to a "patchwork" of state rules. However, the Clean Air Act allows only two sets of rules, federal rules and California's more stringent rules. Other states can then choose which to adopt. Sixteen states, which with California make up half the vehicle market, have said they will adopt California's rules. This is hardly a patchwork.

The administration also argued that tougher fuel efficiency standards in the energy bill recently signed into law by President Bush would yield greater greenhouse gas reductions than the California rules would. This is demonstrably untrue. California's regulations would reduce emissions from new vehicles by nearly 30 percent by 2016 — double the estimated reductions that would result from the energy law.

Finally, the government argued that because global warming affects all states, California cannot demonstrate the "compelling and extraordinary" conditions necessary to merit a waiver. In earlier waiver cases, administrators of the Environmental Protection Agency have ruled that California must show only that it faces unusually severe problems, not that it is unique.

We would prefer that the White House reverse its position and order the E.P.A. to give California its waiver. If it does not, the courts must compel it to do so.

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