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Clean Vehicle Purchasing Standards

Given the extreme air pollution problems faced by residents of Los Angeles since the beginning of industrialization, both Los Angeles and the state of California have long been leaders in fighting air pollution. In 1947, the Board of Supervisors established the first air pollution control program in the nation when it formed the Los Angeles County Air Pollution Control District which required all major industries to have air pollution permits. Many other academic publications have chronicled Los Angeles County’s pivotal role in establishing air pollution controls, including a 1998 Historical Society of Southern California article which highlighted the County and recognized long-time supervisor Kenneth F. Hahn as “the most vociferous opponent of air pollution.” And, in 1959 the State of California created the California Motor Vehicle Pollution Control Board to address air pollution from cars. These agencies and others were early pioneers in the fight to protect public health from dangerous air pollution.

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Because of our early and aggressive action to control air pollution and in acknowledgment of the severe air pollution problems faced by Californians, the United States Congress provided recognition of California's efforts by granting the state the authority to set its own air pollution standards for motor vehicles in the Clean Air Act of 1970. With this authority, California has led the nation on reducing tailpipe emissions from motor vehicles over the past 50 years by creating standards that states have adopted as they have sought to improve public health by reducing emissions from cars and trucks.

While California's exercise of this authority requires a waiver from the U.S. Environmental Protection Agency, no federal administration has ever denied such a waiver as the Clean Air Act only allows such denial if the state acted in an arbitrary or capricious manner or if California's air pollution problems are no longer considered extraordinary.

Last year, however, the Trump Administration began the process to revoke California's ability to address the severe public health impacts of air pollution from motor vehicles by denying the Clean Air Act waiver. This action is now the subject of litigation between California – which is supported by 22 states, the District of Columbia, and the City of Los Angeles – against the federal government. Automakers such as Ford, Honda, Volkswagen, and BMW have publicly stated that they will continue to meet California's standards regardless of the federal action. However, several automakers have agreed with the federal government and have joined the litigation against California. These include General Motors, Fiat Chrysler, and Toyota.

Each year, the County spends between \$20 million and \$30 million to purchase between 1,000 and 1,500 vehicles to replace aging and high-mileage vehicles from the County's fleet of 14,091 on-road vehicles. Four County departments manage their own

fleets, including Fire, Sheriff, Public Works and the Los Angeles Community Development Authority. The Internal Services Department (ISD) manages vehicles for all other departments. Under the provisions of State Law, however, all fleet purchasing is done through the County Purchasing Agent, which is part of the Internal Services Department. As part of the Purchasing Agent's duties, ISD has established purchasing standards, processes and procedures, which guide departments in developing their vehicle procurement requests.

The state of California has announced that beginning January 2020 it will not purchase vehicles from companies that have not agreed to follow California's rules. Many other jurisdictions are considering similar policies. In the past, ISD has facilitated departmental requests to purchase vehicles of their choosing, as long as the chosen vehicles met general purchasing requirements and the County's "Clean Fuel – Sustainable Fleet" Policy (Board Policy 3.020). Given Los Angeles County's early and consistent leadership to protect public health from dangerous air pollution, we should join with the state and adopt a Board Policy to empower the County Purchasing Agent to restrict the purchase of vehicles from companies that have not agreed to follow California's clean air standards. The California Department of General Services has issued guidance that the County can use to form the basis of its own policy in this regard.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Chief Sustainability Officer, in collaboration with the County Purchasing Agent and the Chief Executive Officer, to develop a new Board Policy (or update an existing one) that prohibits the purchase of vehicles from companies that have joined the litigation to oppose California's ability to set greenhouse gas and zero emission vehicle standards. The Board

Policy should:

- a. Be submitted within 60 days;
- b. Require that the County of Los Angeles only purchase vehicles from automakers that recognize the California Air Resources Board's authority to set greenhouse gas and zero emission vehicle standards;
- c. Grant the County Purchasing Agent the authority to reject requests by departments to purchase such vehicles from automakers that have joined the litigation to oppose California's ability to set greenhouse gas and zero emission vehicle standards; and
- d. Include a process by which departments may request that the Chief Executive Office grant waivers to the policy, based on verifiable business or operational necessity, with reports on waivers included in the County's annual Clean Fleets, Clean Fuels Report.

WE FURTHERMORE MOVE that the Board of Supervisors instruct the Director of Internal Services to submit a companion report that provides recommendations on any modifications to the County's vehicle purchasing policies that are needed to improve County fleet operations and management, including establishing emissions standards vehicles by class consistent with recommendations of the OurCounty Sustainability Plan.