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## Schwarzenegger taps Nichols to lead Air Resources Board

Mary Nichols held the state leadership post under Jerry Brown and was a Davis official.

By Evan Halper and Janet Wilson, Times Staff Writers  
July 4, 2007



Mary Nichols  
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SACRAMENTO — Gov. Arnold Schwarzenegger sought Tuesday to quiet turmoil at the state's air board and reassert his commitment to the environment by appointing an official from past Democratic administrations to the board's top position.

Mary Nichols will take over the embattled Air Resources Board, which she chaired 30 years ago under Gov. Jerry Brown. She also served as secretary of resources under Democratic Gov. Gray Davis and as a high-ranking environmental official in the Clinton administration.

Her appointment follows the recent departure of two top board officials who both complained publicly that meddling by the Schwarzenegger administration on behalf of business interests limited their ability to adopt effective regulations for curbing greenhouse gas emissions and improving air quality.

"There is no one more qualified, more committed and more able to lead our efforts on climate change and air quality," Schwarzenegger said at a news conference in the Capitol.

Nichols replaces Robert Sawyer, who says he was fired after pushing to implement more aggressive action to curb global warming than the administration supports.

Although administration officials said Sawyer was fired for not being tough enough, the displaced chairman's assertions were backed up by the former executive officer of the board, Catherine Witherspoon, a longtime veteran of the agency who quit Monday.

Witherspoon said she and her staff were routinely pressured by the administration to soften crackdowns on heavy diesel construction equipment and other machinery after industry officials complained.

The governor appoints the board members with the consent of the state Senate; the board is meant to be independent of the administration.

The appointment of Nichols, one of the state's first environmental attorneys, is likely to blunt complaints from administration critics that Schwarzenegger's actions on the environment are not living up to his bold promises.

"She's superb, and she will be an independent person," Sawyer said. "I would find it hard to think of a better person.... She's a lawyer, and she knows the Clean Air Act probably as well as anybody in the state."

He said that under Nichols' previous tenure as air board chairwoman, historic regulations were implemented on unleaded gasoline, catalytic converters and other matters that helped cement the board's national reputation for toughness and innovation.

Nichols has been involved with the environmental movement since its infancy. She has worked as a senior staff attorney for the Natural Resources Defense Council and the Center for Law in the Public Interest, where she initiated some of the first test cases under the federal Clean Air Act and California air quality laws.

According to her biography at UCLA's Institute of the Environment, where she is director, Nichols also co-founded the first environmental justice working group, a multiethnic forum for leaders from traditional environmental and community-based organizations to address issues of environmental equity. She also serves on the board of the Los Angeles Department of Water and Power.

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"I am pleased that I am going to be in a position now, after all these years working in the environmental movement, to help restore and burnish the credentials of our Air Resources Board," Nichols said. "It is one of the premier environmental agencies in the world."

She is the latest of several former high-level Davis administration officials to be hired by Schwarzenegger in recent years.

"I'm running out of people to kibitz with," Davis joked Tuesday. "They are all busy working for Arnold."

Davis described Nichols as a "strong, polite, thoughtful environmentalist" who will safeguard the board's independence. "She doesn't mind people calling her, and she will hear them out, but she is going to make her own decisions."

But Democrats and some environmentalists, while praising her credentials, questioned whether Nichols would be able to restore confidence in the board.

"You can have the best person at the helm of the board, but if the administration is trying to micromanage it on a day-to-day basis, it won't make a difference who is in charge over there," said Assembly Speaker Fabian Nuñez (D-Los Angeles). "It will lose credibility and become politicized."

On Friday, the Assembly will hold a hearing to look into the allegations made against the administration by Sawyer and Witherspoon. Schwarzenegger said his chief of staff, Susan Kennedy, and Cabinet Secretary Dan Dunmoyer, who are accused of meddling, will refuse Democrats' request to testify.

Schwarzenegger said the accusations against his staff "are not fair. I think they are doing an extraordinary job."

Much of the controversy stems from an ongoing dispute in Sacramento over how the board should implement landmark legislation to curb global warming, signed by Schwarzenegger last year.

The governor is a strong proponent of a cap and trade system that would let companies that can't meet a cap on greenhouse gases buy emissions permits from firms that have cut their pollution below allowed levels.

Democrats are wary of such a system and want to see tough regulations put in place before opening any discussions on allowing companies to sell emission credits.

Senate Leader Don Perata (D-Oakland), who will oversee confirmation hearings for Nichols next week, reasserted in a letter to the governor Tuesday that he believes the global warming legislation emphasizes "strong regulation over market mechanisms" and signaled that the Senate may not confirm Nichols if she disagrees.

Nichols expressed confidence Tuesday that the board "can find appropriate ways to make trading part of it" without undermining tough regulations.

In her role at the DWP, however, some activists have been underwhelmed by her willingness to force the city to buy renewable power.

"There may have been some environmentalists who were less than exhilarated with her performance here," board President H. David Nahai said. But, he added, "the fact is, she has an immense amount of knowledge and experience."

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