

## Schwarzenegger names Mary Nichols to head Air Board

By [John Howard](#)

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Mary Nichols, a veteran environmental regulator for President Bill Clinton and California Democratic governors Jerry Brown and Gray Davis, is the new head of the California Air Resources Board. Nichols was appointed to the job, the most important air-quality enforcement job in the nation, by Republican Governor Arnold Schwarzenegger, who just days before had forced the resignation of the previous ARB chairman.

Nichols' appointment came as the governor, who has received international attention for his efforts to fight global warming, faced mounting criticism for the role of his two top aides for reportedly impeding the ARB's enforcement of regulations to curb greenhouse gases. Ousted ARB Chairman Robert Sawyer said as much after he left, and ARB executive director Catherine Witherspoon made similar statements after she abruptly resigned two days later.

They contended that Schwarzenegger's chief of staff, Susan Kennedy, and Cabinet Secretary Dan Dunmoyer, pressured them to go slow in developing new carbon emission rules. Sawyer released a transcript of a call from Dunmoyer that Sawyer said was an intent to influence the board. The governor's staff rejected the allegations.

But the quick appointment of Nichols, one of the state's best-known environmentalists, seemed an attempt by the governor to diffuse criticism. Nichols was a ranking executive in the Natural Resources Defense Council, a former ARB chairwoman under Brown, the Cabinet-level Resources Secretary under Davis and a top air-quality regulator for the U.S. Environmental Protection Agency.

"This is really a good step to stabilizing the Air Board, said Bill Magavern of the Sierra Club. "The board has been shaken by the interference from the governor's office. The big question is whether the governor will let Mary Nichols and the other board members do their job, instead of continuing to their micromanagement."

The turmoil at the board and within the administration raised questions about the credibility of the administration, as well as the stability of the ARB as an institution.

"What's troubling is the difference between the public and the private messages," □ said Assemblyman Mark DeSaulnier, D-Concord, who was appointed by Pete Wilson to the ARB. "With the Wilson Administration or the Davis Administration, you always knew where they stood."

DeSaulnier said he had "great respect" for Nichols and for Sawyer, but he said he was concerned because he has "a love and respect for the institution" of the Air Resources Board, where he served for ten years.

When asked whether it was common to receive calls from the highest levels of the administration on particular policy positions, DeSaulnier said he never received such a phone call. "Now, I wasn't the chairman, but I was a prominent member, because of my tenure there."

When asked if he thought the Dunmoyer call constituted an inappropriate effort by the administration to influence the action of the board, he said "It's kind of a gray area."

"Today is a luck day for CARB, the Schwarzenegger administration and all Californians as we welcome Mary Nichols back to the California Air Resources Board," said Winston Hickox, a private consultant and former state EPA chief under Davis.

The affable Nichols, who Capitol insiders say is close to Kennedy, returns to state government at the center of a political firestorm. Both legislative houses, controlled by Democrats, are not shy about poking into the Republican governor's staff and have scheduled hearings. In the Assembly, Dunmoyer and Kennedy have been called to testify before the week is out at the Assembly Natural Resources Committee hearing; in the Senate, Nichols is expected to appear before a special Rules Committee hearing.

Assembly Speaker Fabian Nunez is the co-author of the state's greenhouse gas emissions law who, like the governor, has political capital invested in its success. Senate Leader Don Perata, who has authored a major package of legislation to curb greenhouse gases, has long been suspicious of the governor's role.

"Like many of my colleagues, I was troubled by the swift dismissal of Doctor Sawyer after an apparent failed effort by your office to block proposed regulations for tougher greenhouse emissions for trucks and auto paints," Perata wrote in a letter to the governor. Perata, who heads the Senate committee that confirms gubernatorial appointees, added that he would "carefully weigh" Nichols credentials.

The administration, meanwhile, seized Witherspoon's workplace computer hard drive and is investigating her role at the board, said a Capitol source knowledgeable about the ARB's operations and upper staff.

Schwarzenegger's handlers said Sawyer had failed to speedily develop air-quality rules for the San Joaquin Valley. Sawyer himself said he was forced out because he was too aggressive in crafting the carbon emission restrictions and that the governor's aides, fearing the potential impact on businesses, were unhappy.