

# Is Colorado Trying to Get You Give Up Your SUV?

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The Colorado Automobile Dealers Association has filed suit against three state agencies over the decision to use vehicle emissions standards from California rather than developing rules specifically tailored for the conditions here — such as our love affair with sport-utility vehicles.

As described by CADA president Tim Jackson, the motivation for the lawsuit has a lot to do with a fear of sales-reducing sticker shock. He estimates that the Cali-spawned regs will add \$2,110 to the price of the average new vehicle in Colorado — and that amount will be even higher for SUVs and passenger trucks, which are much more popular here than in California.

"Their vehicle mix of passenger cars to light trucks — and SUVs and vans and vehicles with an all-wheel-drive platform are categorized as light trucks — is 47 percent to 53 percent," Jackson points out. "That's almost 50-50. But in Colorado, we're 75 percent light trucks to only 25 percent passenger cars. SUVs and trucks are what people in Colorado want to drive."

The introduction to the complaint, whose defendants are the Colorado Department of Public Health and Environment, the Colorado Air Quality Control Commission and the Colorado Air Pollution Control Division, notes that last November, the commission adopted Colorado Regulation Number 20, "which incorporated 53 specific regulatory requirements...under what California terms its low-emission vehicle (LEV III) regulations."

The rule went into effect on December 30, the suit adds, "and will apply to all model year 2022 and later light-duty passenger vehicles, light-duty trucks and medium-duty passenger vehicles sold in Colorado. Regulation 20 also applies to all Aftermarket Catalytic Converters that are sold, offered for sale or advertised for sale or use in Colorado after January 1, 2012, for any model year vehicle."



A 2019 Ford F-150.

[YouTube](#)

The legal argument made by CADA turns on the contention that "the Colorado air quality commission doesn't have the authority to regulate mobile-source emissions the way they're trying to do with Regulation 20," Jackson explains. "It should be a legislative process versus a regulatory process, with all 100 legislators weighing in on it, not a commission picked by a governor [John Hickenlooper, who left office earlier this year] following an executive order by a governor. We don't believe they have the authority to do this under their current statutory concept."

He argues that the state is essentially "ceding authority for air quality from Colorado's air quality commission to the California Air Resources Board based in Sacramento and appointed by California's governor. And they're not charged with testing or gauging air quality in Colorado. They're going to be testing air quality in places like Los Angeles and Long Beach, not Aspen or Colorado Springs or Denver."

What Jackson refers to as the tax that Regulation 20 would place on new-vehicle sales is clearly intended to influence Colorado drivers to consider smaller cars with higher fuel economy — and vehicles that minimize or eliminate their reliance on gasoline score even better in this respect. But Jackson maintains that Coloradans haven't rushed to replace their SUVs and pickups with such rides.

"We have the most generous incentives in the country," he says. "It's \$5,000 on the hood of a plug-in hybrid or fully electric car. When you add the \$7,500 federal tax credit, it's \$12,500 on cars that Colorado regulators want people to buy. But with all that, Colorado consumers are only buying these kinds of vehicles at a rate of 2 or 3 percent. Now, we started out at zero eight years ago — so we've gone from zero to around 3 percent. But in the light-duty truck category, we've gone from 58 percent to 75 percent."

On the surface, lowering the percentage of SUVs and other light-duty trucks purchased in Colorado would be better for the environment. But Jackson maintains that the way Regulation 20 goes about trying to achieve this end would actually create more emissions, not fewer.



A 2019 Hyundai Tucson.

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"We believe that if the new-car customer can't afford the kind of car or truck they need, they'll stay in the more-polluting vehicles they currently own," he says.

"Right now, the national average for how long we keep our vehicles is 12.8 years. But in Colorado, it's 13.7 years — a huge increase over twenty years ago, when it was closer to about 8.4 years. That means the average age of the fleet has grown by almost 50 percent since the late '90s."

If people hold on to their present vehicles even longer, "we think it will have a detrimental effect" from an emissions standpoint, Jackson allows. "Everything we sell today — all the way from Kenworth and Mack and over-the-road trucks to passenger vehicles — [is] 99 percent cleaner on particle emissions, the kind of emissions that contributed to the brown cloud Denver used to have. And they're getting much better on carbon emissions, which are the kind of climate-change emissions the LEV standard is really targeting. Ford has an F-150 truck that gets

thirty miles to the gallon, and Chevy has a new pickup that gets thirty miles to the gallon, too."

This level of fuel economy remains a long way from the goal of a 54.5 miles per gallon standard by 2025. But it's certainly an improvement over rides from the past decade — many of which Jackson thinks will stay on the road for longer under the regulation his organization is suing to stop.

Jackson isn't the only person trying to squelch Regulation 20. Senator John Cooke, a Republican from Greeley, has introduced [Senate Bill 53](#), which concerns California motor-vehicle emissions standards. Its summary states: "The bill prohibits the air quality control commission from adopting motor vehicle emission standards that are more stringent than federal standards and from adopting the California motor vehicle emission standards and test procedures unless they are the same as the federal standards."

*Senate Bill 53 is scheduled to be heard by the Health and Human Services committee on Thursday, February 7. Click to read [Colorado Automobile Dealers Association v. Colorado Department of Public Health and Environment, et al.](#), and [Cooke's proposal](#).*

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