

June 6, 2007

The Honorable Rick Boucher, Chair
House Energy & Air Quality Subcommittee
2187 Rayburn House Office Building
Washington, D.C. 20515

The Honorable J. Dennis Hastert, Ranking Member
House Energy & Air Quality Subcommittee
2304 Rayburn House Office Building
Washington, D.C. 20515

Re: June 1, 2007 Discussion Draft on Alternative Fuels, Infrastructure, and Vehicles

Dear Chairman Boucher & Ranking Member Hastert:

The Northeast States for Coordinated Air Use Management (NESCAUM) is writing to voice strong opposition to a legislative proposal¹ circulated last week for consideration by the Energy and Air Quality Subcommittee. NESCAUM is an association of the air pollution control programs in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. The legislation proposed by Representative Boucher would significantly restrict state and federal authority to regulate greenhouse gas emissions from motor vehicles and fuels.

Specifically, the legislation would amend Section 202 of the Clean Air Act to eliminate EPA's authority to regulate vehicle greenhouse gas emissions, thus legislatively overriding the Supreme Court's recent decision in *Massachusetts v. EPA*. In addition, the legislation would prevent EPA from approving the waiver necessary for California to implement its program to reduce greenhouse gas pollution from motor vehicles. Section 209(b) of the Clean Air Act would be amended to specifically require EPA to deny a waiver for any standards that "are designed to reduce greenhouse gas emissions." If California is denied a waiver, seven states in the NESCAUM region, along with four other states that have adopted the California motor vehicle greenhouse gas emission standards, would also be permanently prevented from limiting greenhouse pollution from vehicles,² as would any other state that may wish to adopt California's greenhouse gas standards in the future. The legislation would also restrict EPA's current authority to regulate greenhouse gases produced by fuels under Section 211.

¹ The discussion draft is posted at http://energycommerce.house.gov/energy_110/Title%20I%20-%20Fuels%20060107_xml.pdf (accessed June 5, 2007).

² The potentially affected seven NESCAUM states are Connecticut, Maine, Massachusetts, New Jersey, New York, Rhode Island, and Vermont. The additional four states are Maryland, Oregon, Pennsylvania, and Washington.

The Northeast states have a vital interest in reducing global warming emissions from vehicular and other sources in the region. The need for action is no longer in dispute, as was confirmed by the world's leading climate scientists in the latest Intergovernmental Panel on Climate Change (IPCC) report on climate change impacts, adaptation, and vulnerability. In the Northeast, motor vehicles (cars and trucks) emit approximately 35 percent of total human-related greenhouse gas emissions in the region. Therefore, the control of motor vehicle and fuel-related greenhouse gas emissions is of utmost importance to Northeast state air quality regulators.

The Clean Air Act provides California with the authority to set emission control standards for motor vehicles and for states outside of California to choose between the federal and California motor vehicle emission control standards. Use of this statutory authority has a long and successful track record and its success is demonstrated by the decreasing trends in air pollution observed across the country. The draft legislation under consideration here would walk away from this successful track record. The bill would eliminate the statutory right of California to establish vehicle greenhouse gas standards, and for other states to adopt the California standards – a profound alteration to the respectful approach for state rights embodied in the current Clean Air Act. The balanced system of allowing two, but only two, sets of motor vehicle emission standards has worked well over the last four decades. Indeed, most of the technological innovations needed to reduce motor vehicle air pollution have been driven by California's standards. With this demonstrated success, we find it inconceivable that, at precisely the time that the need for aggressive action to combat harmful global warming pollution has become so undeniably apparent, some in Congress would even consider turning the clock backwards in the proposed manner.

We ask that you remove these provisions, and provisions in any other energy legislation, that attempt to restrict existing state and federal authority to address air pollution, including greenhouse gases.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur N. Marin".

Arthur N. Marin
Executive Director

cc: NESCAUM Directors

The Honorable John D. Dingell, Chairman, House Committee on Energy and Commerce

The Honorable Joe Barton, Ranking Member, House Committee on Energy and Commerce