

March 30, 2010

The Honorable John F. Kerry
United States Senate
Washington, DC 20510

The Honorable Lindsey Graham
United States Senate
Washington, DC 20510

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

Re: State Authority to Regulate Greenhouse Gas Emissions

Dear Senators Kerry, Graham and Lieberman:

As the environmental agency heads of states that have implemented programs to protect our environment, utilize our unique resources and build the clean energy economy, we commend you for attempting to develop meaningful clean energy and climate legislation. We support a strong and comprehensive national program to reduce greenhouse gas pollution and look forward to working with you to develop legislation.

As you draft legislation, we urge you to preserve a productive and collaborative role for the states in addressing the monumental climate challenge before us. This nation cannot hope to achieve the reductions recommended by scientists unless the federal government enlists states and municipalities as partners in developing and implementing the policies needed to address climate change and build the clean energy economy. Complementary state and local climate and clean energy programs are essential to achieving emission reductions in a cost-effective manner.

Federal environmental laws preserve a strong role for states, enabling states to pioneer policies that pave the way for advances in federal regulation. For example, California's low emission vehicle programs have catalyzed technological breakthroughs and led to more effective federal vehicle emission standards. Similarly, the northeastern states' Regional Greenhouse Gas Initiative (RGGI) provides a framework for a national, auction-based cap-and-trade program for greenhouse gases. As a nation, we should continue to reap the benefits of state innovation. Policy experiments at the state level lead to and preserve effective national policies.

The system of cooperative federalism embodied in most federal environmental laws has provided maximum environmental benefits in a cost-effective manner. Consistent with this time-proven framework, federal climate legislation should establish a national carbon market and include strong national programs, while preserving states' rights to implement their own climate policies, including but not limited to: state caps; vehicle, fuel and clean energy standards; and other innovative policy mechanisms. Therefore, we strongly urge you to protect state authority to implement programs that may result in additional greenhouse gas emission reductions or clean energy benefits.

We are available at your convenience to discuss our position in more detail. Thank you very much for your attention.

Very truly yours,



Mary D. Nichols, Chair
California Air Resources Board



Amey Marrella, Commissioner
Connecticut Department of Environmental Protection



Collin O'Mara, Secretary
Delaware DNREC



Douglas P. Scott, Director
Illinois Environmental Protection Agency



David Littell, Commissioner
Maine Department of Environmental Protection



Shari T. Wilson, Secretary
Maryland Department of the Environment



Laurie Burt, Commissioner
Massachusetts Department of Environmental Protection



Tom Burack, Commissioner
New Hampshire Department of Environmental Services



Ron Curry, Secretary

New Mexico Environment Department



Pete Grannis, Commissioner

New York Department of Environmental Conservation



Dick Pederson, Director

Oregon Department of Environmental Quality



W. Michael Sullivan, Director

Rhode Island Department of Environmental Management



Justin Johnson, Commissioner

Vermont Department of Environmental Conservation



Ted Sturdevant, Director

Washington State Department of Ecology

cc: Senator Dianne Feinstein
Senator Barbara Boxer
Senator Christopher J. Dodd
Senator Thomas R. Carper
Senator Ted Kaufman

Senator Richard J. Durbin
Senator Roland W. Burris
Senator Olympia J. Snowe
Senator Susan M. Collins
Senator Barbara A. Mikulski
Senator Benjamin L. Cardin
Senator Scott P. Brown
Senator Judd Gregg
Senator Jeanne Shaheen
Senator Jeff Bingaman
Senator Tom Udall
Senator Charles E. Schumer
Senator Kirsten E. Gillibrand
Senator Ron Wyden
Senator Jeff Merkley
Senator Jack Reed
Senator Sheldon Whitehouse
Senator Patrick J. Leahy
Senator Bernard Sanders
Senator Patty Murray
Senator Maria Cantwell