

## **Global Warming Waiver Documents Show “An Environmental Protection Agency in Crisis”**

**February 26, 2008**

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**Washington, DC** - U.S. Senator Barbara Boxer (D-CA), Chairman of the Senate Committee on Environment and Public Works, today made the following remarks regarding the committee's ongoing investigation of the Environmental Protection Agency's (EPA) denial to grant California a waiver to regulate global warming pollution from motor vehicles:

**Senator Boxer said: "These documents paint a picture of an Environmental Protection Agency in crisis. They show the dedicated professional staff of the EPA working hard to do what they are paid to do by the American people - protect our health and our environment. At the same time, we see more and more evidence of Administrator Johnson ignoring the science and the facts, and discarding the advice of his professional staff."**

**"I believe this decision will be reversed by the next President or by the courts, but the Administrator can save the taxpayers time and money, and can get us started cleaning up our air if he would simply follow the law, the facts, and the advice of his agency professionals."**

The following are excerpts from the EPA briefing documents shown to the EPW Committee staff. EPA has not released these documents to the committee or to the public, despite ongoing requests:

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Below are talking points prepared by staff at EPA's Office of Transportation and Air Quality:

- I know you are under extraordinary pressure to make the California waiver decision, and I don't mean to add to it
- But this likely to be among the two biggest decisions you get to make in the job (along with the greenhouse gas rule you are working on)
- The eyes of the world are on you and the marvelous institution you and I have had the privilege of leading; clearly the stakes are huge, especially with respect to future climate work
- I understand the history and the legal standards for this decision-I made a number of them myself while I was there, including the waiver for the LEV program, which these standards would be a part of.
- From what I have read and the people I have talked to, it is obvious to me that there is no legal or technical justification for denying this. The law is very specific about what you are allowed to

consider, and even if you adopt the alternative interpretations that have been suggested by the automakers, you still wind up in the same place

- But I think there must be a win-win here, and you should find it and seize it.....for the sake of the environment and the integrity of the agency
- Word is out about the option to grant the waiver for the first three years and then defer the subsequent years. I don't have the details, but this sounds like the seed for a "grand bargain", and would put and the agency in the driver's seat to craft a national solution: something that my automaker contacts and California both say they want.
- You have to find a way to get this done. If you cannot, you will face a pretty big personal decision about whether you are able to stay in the job under those circumstances. This is a choice only you can make, but I ask you to think about the history and the future of the agency in making it. If you are asked to deny this waiver, I fear the credibility of the agency that we both love will be irreparably damaged.

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**Boxer Statement on Role of Former EPA Administrator William Reilly in California  
Waiver Discussions  
February 26, 2008**

**Washington, DC** - U.S. Senator Barbara Boxer (D-Calif.), Chairman of the Senate Committee on Environment and Public Works, today made the following remarks regarding the role that former EPA Administrator William K. Reilly played in urging current EPA Administrator Johnson to grant California's request for a waiver to regulate global warming pollution from vehicles:

Senator Boxer said: "**We now know that not only was the professional staff of the EPA advising Administrator Johnson to grant the California waiver, but Bill Reilly, the EPA Administrator under President Bush's father, also contacted the EPA and discussed the serious implications of the decision with senior EPA staff. He then communicated his concern directly to Administrator Johnson. The bipartisan chorus of respected voices urging Mr. Johnson to do the right thing is overwhelming. The impact of the decision to deny the waiver has been devastating on the EPA, and Administrator Johnson must reverse course and grant California's petition now. We are losing precious time in cleaning up our air.**"

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