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S. William Becker

June 6, 2007

The Honorable Rick Boucher
Chairman
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable J. Dennis Hastert
Ranking Member
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
U.S. House of Representatives
2322-A Rayburn House Office Building
Washington, DC 20515

Dear Chairman Boucher and Ranking Member Hastert:

The National Association of Clean Air Agencies (NACAA) – which represents the air pollution control agencies in 54 states and territories and more than 165 metropolitan areas across the country – strongly urges you to strike language from draft energy legislation that would inappropriately strip states and EPA of their authorities to regulate motor vehicle-related greenhouse gas emissions. The provisions to which we vigorously object are contained in Subtitle B of a Discussion Draft on Alternative Fuels, Infrastructure, and Vehicles, released last Friday, June 1, 2007, by the House Energy and Commerce Subcommittee on Energy and Air Quality.

First, the draft legislative language would prohibit state enforcement of motor vehicle emission standards designed to reduce greenhouse gas emissions, undercutting the ability of states to combat global warming. In 2005, the State of California adopted greenhouse gas emission standards for motor vehicles. Since that time, 11 additional states have exercised their statutory authority under Section 177 of the Clean Air Act (CAA) to “opt in” to California’s greenhouse gas emission standards, and several others are considering such action. However, neither California nor any of the opt-in states may enforce these standards until EPA grants a waiver of federal preemption to California under Section 209(b)(1) of the CAA. California submitted its request for a waiver to EPA in December 2005; the agency is

currently accepting public comment on this request. However, the Discussion Draft would bar EPA from granting waivers for such programs. NACAA urges that the provisions of the Discussion Draft at Section 722(d) be struck in their entirety; to enact them into law would be an inappropriate revocation of states' rights.

Second, the draft legislative language would also revoke EPA's statutory authority to promulgate regulations to control transportation-related greenhouse gas emissions, thus overriding the recent decision of the United States Supreme Court in *Massachusetts v. EPA*, in which the Court affirmed this Clean Air Act authority. NACAA urges that the Discussion Draft provisions affecting these changes be struck as well.

The Discussion Draft on Alternative Fuels, Infrastructure, and Vehicles will be the subject of an Energy and Air Quality Subcommittee hearing tomorrow, with markup to follow shortly thereafter. NACAA urges that you not only remove the aforementioned provisions from this Discussion Draft, but that you also work to ensure that any energy bill that proceeds through Congress be free of language that would limit state or federal authority to address global warming.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized initial 'S' followed by a long horizontal line extending to the right.

S. William Becker

cc: The Honorable John D. Dingell, Chairman, House Committee on Energy and Commerce
The Honorable Joe Barton, Ranking Member, House Committee on Energy and Commerce
Members, House Committee on Energy and Commerce