

TO: Senator
FROM: Staffer
RE: Call to White House Officials on Upcoming Carbon Dioxide Regulations

Background:

A Supreme Court decision last year, *Massachusetts v. EPA*, found in part that the EPA not prohibited (though it certainly was not required) from making a so-called “endangerment finding” on carbon dioxide (Co2). An endangerment finding is a mechanism of the Clean Air Act (CAA) used for identifying potential pollutants that should be regulated because they endanger human health or the environment. An endangerment finding triggers a host of expensive and complicated regulations that would place lengthy and expensive regulatory requirements that would bring new construction to a virtual standstill.

The problem is compounded because the CAA provisions written to cover pollution emissions from large industrial facilities would cast a much broader net if applied to carbon dioxide, subjecting hundreds of thousands of factories, buildings and farms to extremely expensive and burdensome CAA requirements.

Action:

The Administration appears to be leaning toward making an endangerment finding because they believe some action is necessary in response to *Massachusetts v. EPA* and they will craft a less damaging finding than the next administration – they are wrong on both assumptions. Since not taking action is not an option, the best possible outcome is that the Administration issue an Advance Notice of Proposed Rulemaking (ANPR) which would allow all interested parties to send the EPA relevant information and start a record on important topics such as the cost and burden of carbon caps and CAA expansion without triggering the costly new regulations.

Call:

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Joel Kaplan, Deputy Chief of Staff (202-456-1775) *Assistant is Elise Stefanik*

Ask for:

The EPA to issue an Advance Notice of Proposed Rulemaking seeking information on the issues involved in a Co2 endangerment finding and resulting carbon dioxide regulations and **not** make an endangerment finding.

Reasons the Ask Benefits the Administration:

Shows them as taking unprecedented action on Co2; allows those hurt by new carbon regulations to weigh in on potential cost and burden; force advocates of new carbon regulations to justify their positions; and, prevents the administration from setting in motion extremely expensive and expansive set regulatory requirements.