



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
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Robert M. Summers, Ph.D.
Deputy Secretary

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 Maryland Department of the Environment (MDE) is writing to voice concern regarding a legislative proposal¹ circulated last week for consideration by the Energy and Air Quality Subcommittee. The proposed legislation would 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 granting California the necessary waiver 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, eleven additional states, including Maryland, that have adopted the California motor vehicle greenhouse gas emission standards, would also be prevented from limiting greenhouse gas pollution from vehicles, 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).

The State of Maryland has 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 region, motor vehicles (cars and trucks) emit more than 35 percent of total human-related greenhouse gas emissions in the region. Therefore, the control of motor vehicles and fuel-related greenhouse gas emissions is of utmost importance to state air quality regulators. It is for this reason that Maryland has joined ten other states in adopting California's Low Emission Vehicle program.

The Clean Air Act has established a long and successful track record of the states serving as laboratories for new and innovative measures to reduce air pollution, as seen in 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 – an alteration to the 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, now is the time for aggressive action to combat harmful global warming pollution that has become so undeniably apparent.

We respectfully ask that you not consider such legislation or provisions in any other legislation that attempts to shift the balanced state and federal authorities to address air pollution, including greenhouse gases, now existing in the Clean Air Act.

Very truly yours,



Shari T. Wilson
Secretary

cc: The Honorable Albert R. Wynn, United States Congressman, Fourth Congressional District