



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

September 27, 2007

Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, NW
Room 3000
Washington, DC 20460

Donna D. Stone
*State Representative
Delaware
President, NCSL*

Sharon A. Crouch Steidel
*Director, Information Systems
Virginia House of Delegates
Staff Chair, NCSL*

William T. Pound
Executive Director

Dear Administrator,

The National Conference of State Legislatures (NCSL) urges you to expeditiously approve California's December 21, 2005 request for a waiver from Clean Air Act requirements in order to enact stricter standards for mobile sources of pollution. Problems related to climate change demand aggressive and thoughtful actions, such as those proposed by California that address greenhouse gas emission reductions from motor vehicles. Your prompt approval is further necessitated by the actions of 14 additional states who have indicated their intent to follow California's lead.

The state-federal partnership on a wide array of environmental concerns is a time-tested one. Regarding air issues, it is governed by Title II, Section 209(b) (42 U.S.C. 7543) of the Clean Air Act, which permits a state that had "adopted standards for control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966" to continue to adopt such regulations as long as those regulations are at least as protective as Federal standards for public health and welfare, and with approval from the EPA. California is the only state that is allowed such authority under the Act; however, in Section 177 (42 U.S.C. 7507), states with EPA approved State Implementation Plans may adopt either federal standards or those passed in California. Currently there are fourteen states awaiting the EPA decision on California's waiver request along with California; these states are Arizona, Connecticut, Florida, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington.

State, local and tribal governments have produced a diverse portfolio of policies intended to counter climate change and greenhouse gas emissions. California's efforts in this regard is one among many. Our environmental partnership puts all of us in a position to pursue policies to protect public health and ensure a clean environment. If EPA were to refuse California's request, it would stifle advances made by state and local governments at a time when action and decisions are needed to ward off problems related to climate change.

For additional assistance and information, please have your staff contact either Tamra Spielvogel (Tamra.Spielvogel@ncsl.org or 202.624.8690) or Amanda Naughton (Amanda.Naughton@ncsl.org or 202.624.3572) in our Washington, D.C. office.

Sincerely,

Beverly Gard
Senator, Indiana
Chairwoman, NCSL Agriculture, Environment & Energy Committee

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