

MEMORANDUM

TO: ENERGY, ENVIRONMENT AND AGRICULTURE TASK FORCE MEMBERS
FROM: JOHN EICK, TASK FORCE LEGISLATIVE ANALYST
DATE: October 30, 2013
RE: 35-DAY MAILING—STATES & NATION POLICY SUMMIT

The American Legislative Exchange Council will host its **States & Nation Policy Summit on December 4-6 in Washington, D.C.** at the **Grand Hyatt**. If you have not yet registered for this meeting, please click [here](#) for registration information or go to www.alec.org.

The following meetings and events are of interest to members of the Energy, Environment and Agriculture Task Force:

Wednesday, December 4

- EPA Working Group Session (in lieu of subcommittees) [9:45 AM – 11:15 AM]
 - Discussion session to develop tools and strategies legislators and private sector members can employ to respond to EPA's proposed New Source Performance Standards (NSPS) and forthcoming rule for existing sources.

Thursday, December 5

- Energy Specific Plenary: Gov. Matt Mead (Wyoming) [8:00 AM – 9:15 AM]

Friday, December 6

- Energy, Environment & Agriculture Task Force Meeting [2:30 PM – 5:30 PM]

Energy related workshops are currently in development and will be announced soon.

The following materials are attached:

- Attendee Registration & Spouse/Guest Registration Housing Form
- States & Nation Policy Summit Agenda
- Agenda for the Energy, Environment and Agriculture Task Force Meeting
- Agenda for EPA Strategy Session
- Model Legislation
- Review of Model Bills Adopted in 2008
- ALEC Mission Statement

As a reminder, the attached is not official ALEC model policy until it passes both the Commerce Task Force and ALEC's National Board of Directors.

If you have any questions or concerns regarding the meeting, please contact me at (571) 482-5008 or by e-mail at jeick@alec.org.

2013 ALEC STATES & NATION POLICY SUMMIT

December 4 – 6, 2013

Grand Hyatt Washington

1000 H Street, NW • Washington, D.C. 20001



ATTENDEE REGISTRATION / HOUSING FORM

Early registration deadline: November 6, 2013

Housing cut-off date: November 6, 2013

Online www.alec.org Email meetings@alec.org Fax 703.373.0932 Phone / Questions 571.482.5056 (Mon-Fri, 9am-5pm EST)

ATTENDEE INFORMATION

Prefix _____ First Name _____ Middle Initial _____ Last Name _____ Suffix(s) : _____
Badge Nickname: _____ Title _____
Organization (required) _____
Preferred Mailing Address: Business Home _____
City _____ State/Province _____ Country _____ ZIP/Postal code _____
Preferred Phone Work Home Mobile _____ Alternate phone Work Home Mobile _____ Fax _____
Email (confirmation will be sent by email) _____
On-site Emergency Information Name of Person to Contact: _____ Phone _____ Relationship to You: _____
Do you have any special physical, dietary (for example, vegetarian, kosher), or other needs: Yes No
If yes, please describe: _____
 This is my first time attending an ALEC event.
***Spouse / Guest:** If registering a spouse or guest, please complete the spouse/guest registration form. Spouse / guest registration is meant to accommodate legal spouses and immediate family members. Attendees from the same organization must register independently.

REGISTRATION INFORMATION

**** Please note that member fees are subject to verification**

	EARLY until Nov6	ON-SITE begin Nov 6	DAILY
<input type="checkbox"/> ALEC Legislative Member	\$375	\$475	\$300
<input type="checkbox"/> Legislator / Non-Member	\$475	\$575	\$400
<input type="checkbox"/> ALEC Private Sector Member	\$650	\$750	\$445
<input type="checkbox"/> Private Sector / Non-Member	\$925	\$1100	\$545
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$525	\$625	\$400
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$675	\$825	\$500
<input type="checkbox"/> Legislative Staff / Government	\$375	\$475	\$300
<input type="checkbox"/> ALEC Alumni	\$425	\$525	\$300
<input type="checkbox"/> ALEC Legacy Member	\$0	\$0	\$0

For Daily Registration, select which day: Wed Thur Fri

METHOD OF REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately.
 Amer Express Visa MasterCard
Card # _____
Cardholder (please print) _____
Exp Date (mm/yy) _____ Security Code _____
Signature _____

REGISTRATION FEES: \$ _____

Note: Registration forms with enclosed payments must be received by November 6, 2013 to be eligible for early bird registration rates. Forms and/or payments received after November 6, 2013 will be subject to the on-site registration rate.

REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm EST November 6, 2013 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm EST November 6, 2013.

HOUSING

RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS November 6, 2013

Grand Hyatt Washington Arrival Date _____ Departure Date _____
Sharing with: (Maximum 4 guests per room) _____

Room Type	Special requests
<input type="checkbox"/> Single (1 person – 1 bed) \$289	<input type="checkbox"/> ADA room required: ___ Audio ___ Visual ___ Mobile
<input type="checkbox"/> Double (2 persons – 1 bed) \$289	<input type="checkbox"/> Rollaway / crib: _____
<input type="checkbox"/> Double/ Double (2 persons – 2 beds) \$289	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Triple (3 persons – 2 beds) \$314	
<input type="checkbox"/> Quad (4 persons – 2 beds) \$314	

All rates DO NOT include state and local tax currently 14.5% (subject to change)

Note: Cutoff for reservations at the ALEC rate is November 6, 2013. After November 6, 2013, every effort will be made to accommodate new reservations, based on availability and rate. Room types and special requests are not guaranteed. The hotel will assign specific room types at check in, based upon availability.

HOUSING CONFIRMATION INFORMATION

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email, fax, or mail within 72 hours of receipt.

Credit Card Information/ Reservation Guarantee

Credit Card information is required at time of reservation to guarantee the reservation. Card must be valid through December 2013

Please use the same credit card information as above.
 Amer Express Visa MasterCard Discover
Card # _____
Cardholder (please print) _____
Exp Date (mm/yy) _____ Security Code _____
Signature _____

HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Early departure fee is one night's room and tax. Please obtain a cancellation number when your reservation is cancelled.

2013 ALEC STATES & NATION POLICY SUMMIT

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1000 H Street, NW • Washington, D.C. 20001



SPOUSE/GUEST REGISTRATION FORM

■ **Online**
www.alec.org

☒ **Fax (credit cards only)**
703.373.0932

☎ **Phone / Questions** • Mon-Fri, 9am-5:00 pm EST
571.482.5056

ATTENDEE INFORMATION IS REQUIRED TO REGISTER A SPOUSE OR GUEST

First Name _____ Last Name _____

Organization _____

Daytime phone _____

Email (*Confirmation will be sent by email*) _____

SPOUSE / GUEST REGISTRATION

SPOUSE / GUEST REGISTRATION GUIDELINES

1. Spouse / guest registration is meant to accommodate legal spouse and immediate family members.
2. Attendees from the same organization must register independently. No exception will be made.
3. Spouse / guest designation will be clearly visible on name badge.

Prefix _____ Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

Prefix _____ Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

Prefix _____ Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

SPOUSE / GUEST REGISTRATION FEES

**Number of
Spouse/Guest(s)**

Fee

TOTAL

Spouse / Guest *please note name(s) above* _____ \$ 150 \$ _____

METHOD OF SPOUSE / GUEST REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately. Please fax to the above number for processing.

Amer Express Card # _____

Visa Cardholder (*please print*) _____

MasterCard Exp Date (mm/yy) _____ / _____ Signature _____

REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed within 72 hours of receipt of payment.

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm EST November 6, 2013 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm EST November 6, 2013.

Date & Time	Program
Tuesday, December 3	
9:00am - 5:00pm	Joint Board of Directors Meeting
1:00pm - 6:00pm	Registration
2:00pm - 6:00pm	Exhibitor Set Up
6:00pm - 9:00pm	Board of Directors Receptions and Dinner

Date & Time	Program
Wednesday, December 4	
7:00am - 6:00pm	Registration
7:00am - 9:00am	Exhibitor Set Up
7:30am - 11:30am	Subcommittee Meetings (Check with Task Force Director)
9:00 - 5:00pm	ALEC Exhibition Hall Open
9:00am - 11:00am	State Chairs Meeting
11:30am - 1:15pm	Opening Luncheon (Speaker TBA)
1:30pm - 2:45pm	Workshops (Topics TBA)
3:00pm - 4:15pm	Workshops (Topics TBA)
5:30pm - 6:30pm	Jefferson Reception

Date & Time	Program
Thursday, December 5	
7:00am - 7:00pm	Registration
8:00am - 9:15am	Plenary Breakfast (Speakers TBA)
9:30am - 5:00pm	ALEC Exhibition Hall Open
9:30am - 10:45am	Workshops (Topics TBA)
11:00am - 12:15pm	Workshops (Topics TBA)
12:30pm - 2:15pm	Plenary Lunch (Speakers TBA)
2:30pm - 5:30pm	Justice Performance Project
2:30pm - 5:30pm	Health and Human Services Task Force Meeting
2:30pm - 5:30pm	Tax and Fiscal Policy Task Force Meeting
2:30pm - 5:30pm	International Relations Task Force Meeting
6:00pm - 7:00pm	Reception

Date & Time	Program
Friday, December 6	
7:30am - 3:00pm	Registration
8:00am - 9:15am	Plenary Breakfast (Speakers TBA)
9:30am - 2:00pm	ALEC Exhibition Hall Open
9:30am - 10:45am	Workshops (Topics TBA)
11:00am - 12:15pm	Workshops (Topics TBA)
12:30pm - 2:15pm	Plenary Lunch (Speakers TBA)
2:30pm - 5:30pm	Civil Justice Task Force Meeting
2:30pm - 5:30pm	Commerce, Insurance and Economic Development Task Force Meeting
2:30pm - 5:30pm	Communications and Technology Task Force Meeting
2:30pm - 5:30pm	Education Task Force Meeting
2:30pm - 5:30pm	Energy, Environment, and Agriculture Task Force Meeting
2:00pm - 5:00pm	Exhibitor Load Out
6:00pm - 7:00pm	Reception
7:00pm-11:00pm	State Night (Contact Your State Chair)

**ALEC ENERGY, ENVIRONMENT AND AGRICULTURE
TASK FORCE MEETING**

2013 STATES & NATION POLICY SUMMIT
WASHINGTON, D.C.
DECEMBER 6, 2013
2:30PM – 5:30PM

TENTATIVE AGENDA

- 2:30 Call to Order, Welcome, and Introductions
- 2:35 Presentation: EPA Approaches to Regulate Carbon Dioxide Emissions from Power Plants
- 2:50 Model Legislation: Resolution in Opposition to EPA's Plan to Regulate Greenhouse Gases under the Clean Air Act
- 3:10 Model Legislation: Resolution Concerning EPA Proposed Greenhouse Gas Emission Standards for New and Existing Fossil-Fueled Power Plants
- 3:30 Presentation: Natural Gas as a Motor Fuel
- 3:45 Presentation: Alarmism and the Science of Chemical Risk
- 4:00 Model Legislation: Updating Net Metering Policies Resolution
- 4:20 New Member Introduction: America's Natural Gas Alliance
- 4:35 Annual Model Bill Review
- 4:55 Presentation: EPA's Adversarial Oversight of States' Regulatory Regimes for "Fracking," and What It Means for the Future
- 5:10 Discussion: Gauging Interest for Future Natural Gas, Hydraulic Fracturing, and Pipeline Symposium
- 5:25 For the Good of the Order
- 5:30 Adjournment

EPA STRATEGY SESSION

2013 STATES & NATION POLICY SUMMIT

WASHINGTON, D.C.

DECEMBER 4, 2013

9:45 AM – 11:15 AM

TENTATIVE AGENDA

- 9:45 Call to Order, Welcome, and Introductions
- 9:50 Discussion of strategies legislative and private sector members can employ to address EPA's rulemaking to limit greenhouse gas emissions from new and existing power plants
- 11:15 Adjournment

Resolution in Response to EPA’s Plan to Regulate Greenhouse Gases under the Clean Air Act

WHEREAS, the President has directed EPA to issue regulations setting greenhouse gas emission New Source Performance Standards for new power plants and for modified, reconstructed, and existing power plants under the Clean Air Act; and

WHEREAS, ALEC has previously stated its opposition to EPA regulating greenhouse gases^[1]; and

WHEREAS, EPA has proposed regulations for greenhouse gases from new fossil fueled power plants and has announced its intention to issue proposed regulations for existing fossil fueled power plants by June 1, 2014; and

WHEREAS, the U.S. Supreme Court has recently decided to review whether the EPA has the authority to issue new source permits for greenhouse gases from stationary sources under the Clean Air Act; and

WHEREAS, there is no commercially viable technology to capture and store CO₂ from power plants, ALEC is very concerned about the potential economic impact of greenhouse gas regulation on electricity prices and the harm EPA regulations may have on the economic recovery; and

WHEREAS, ALEC favors an “all-of- the-above” energy strategy and not an “all-but-one” approach that restricts the future use of coal to generate affordable electricity.

WHEREAS, our federalist system of government, as implicated in the Clean Air Act, requires that EPA recognize the rights and prerogatives of States.

THEREFORE BE IT RESOLVED, that ALEC opposes any regulation where States are not allowed to play their proper roles in making the significant policy judgments that are required in adopting any such regulation;

BE IT FURTHER RESOLVED, that ALEC opposes regulations that will prevent electric utilities from providing affordable, reliable and safe electric power.

^[1] See American Legislative Exchange Council, Resolution in Opposition to EPA’s Regulation of Greenhouse Gases from Mobile Sources, (2007).

Resolution Concerning EPA Proposed Greenhouse Gas Emission Standards for New and Existing Fossil-Fueled Power Plants

WHEREAS, the U.S. Environmental Protection Agency (EPA) on SEPTEMBER 20, 2013 proposed New Source Performance Standards (NSPS) for greenhouse gases (GHG) that establish limits for carbon dioxide (CO₂) emissions from new fossil fuel fired electric generating units; and

WHEREAS, EPA is proposing two standards for fossil fuel-fired utility boilers and IGCC units of 1,100 pounds of CO₂ per gross megawatt-hour (lbs CO₂/MWh gross) over a 12-operating month period or 1,000-1,050 lbs CO₂/MWh gross over an 84-operating month period, both of which would require new coal units to employ at least partial carbon capture and storage (CCS) technology; and

WHEREAS, EPA is proposing two standards for natural gas-fired stationary combustion units of 1,000 lbs CO₂/MWh gross for units greater than 850 million British thermal units per hour (mmBtu/hr) and 1,100 lbs CO₂/MWh gross for units less than or equal to 850 mmBtu/hr, neither of which would require the use of any CCS technology; and

WHEREAS, President Obama's Interagency Task Force on Carbon Capture and Storage August 2010 report determined that CCS technologies "are not ready for widespread implementation primarily because they have not been demonstrated at the scale necessary to establish confidence for power plant application"; and

WHEREAS, the examples and rationale utilized by EPA to establish the proposed GHG NSPS do not adequately demonstrate that CCS is the best system of emission reduction as required by the Clean Air Act; and

WHEREAS, the U.S. Department of Energy's (DOE) National Energy Laboratory has found that the application of currently researched CCS technology to new coal-fired power plants could increase the cost of electricity produced by such plants by 80 percent, which would severely impact industrial, commercial and especially residential consumers; and

WHEREAS, the most efficient coal-fired power plants, such as those that use the widely demonstrated and commercially available ultra supercritical technology, represent the best system of emission reduction, but alone would be insufficient to achieve EPA's proposed performance standard; and

WHEREAS, the effective CCS requirement results in a barrier to the construction of new coal-fired power plants that when combined with an already anticipated increased use of natural gas in the chemical, industrial, and transportation sectors, will likely lead to increased gas demand and an overreliance on a single type of fuel for future base-load power generation creating an unacceptable risk to electricity reliability; and

WHEREAS, {state} strongly supports a diversified fuel mix; and

WHEREAS, the price of natural gas as a feedstock in the chemical sector will likely increase making American- made products less competitive in the global marketplace; and

WHEREAS, President Obama's June 25, 2013, Memorandum for the Administrator of the Environmental Protection Agency concerning power sector carbon pollution standards directed the Administrator, "in light of the information conveyed in more than two million comments on [the proposed new source greenhouse gas standards] and ongoing developments in the industry, ...to issue a new proposal by no later than September 30, 2013;" and

WHEREAS, the new proposal does not correct deficiencies in the standards originally proposed by U.S. EPA; AND

WHEREAS, in 2012 CO2 emissions from U.S. coal-based electric generation were 23 percent below 2005 levels according to the U.S. EPA Clean Air Markets Acid Rain Program database; and

WHEREAS, CO2 emissions from electric generation are continuing to decrease due to retirements of units that are uneconomic to retrofit to comply with other EPA regulations and operate due to market conditions; and

WHEREAS, total CO2 emissions for the U.S. have been decreasing and are on track to meet the administration's target of 17 percent below 2005 levels by 2020; and

WHEREAS, EPA's proposed requirements do not sufficiently recognize that accumulation of carbon in the atmosphere is a global issue and global action is required to address it; and

WHEREAS, the President has directed EPA to address emissions on modified, reconstructed and existing power plants "through direct engagement with states, as they will play a role in establishing and implementing standards for existing power plants";

NOW, THEREFORE BE IT RESOLVED, that {state} urges the Administration and Congress with input from federal agencies to establish a national energy policy that encourages access to and removal of impediments to all available domestic sources of energy so that it is affordable and reliable;

BE IT FURTHER RESOLVED, that {state} urges the Environmental Protection Agency to establish greenhouse gas NSPS standards for fossil-fuel electric generating units, that provide separate standards for coal-fueled electric generating units that starts with more efficient units such as ultrasupercritical and other technologies which will optimize the economic and equitable utilization of all types of domestic fuel sources – recognizing the fact that additional time is needed for carbon capture and storage to be a demonstrated best system of emissions reduction; and

BE IT FURTHER RESOLVED, that {state} urges the U.S. Environmental Protection Agency, U.S. Department of Energy, and the Congress to support industry efforts to focus on a smaller number of CCS technologies with the greatest promise for significant revolutionary technology advances rather than a large number of technologies that will likely yield incremental technology cost and performance improvements; and

BE IT FURTHER RESOLVED, that {state} urges the USEPA to closely consult with [STATE] and all of the states as it develops greenhouse gas emission guidelines under Clean Air Act section 111(d) for existing power plants recognizing each state's authority under the Act to set source performance standards based on:

- a. each state's power generation mix
- b. historical and future changes in each state's emission profile compared to a baseline period
- c. cost effective emission reductions using the best system(s) of emission reduction adequately demonstrated for the affected facility
- d. practical, reasonable and realistic state-specific implementation schedules,
- e. the cost and reliability of electricity and the economic vitality of the state(s), and
- f. any other state specific needs.

BE IT FURTHER RESOLVED, that {state} will provide comments to EPA that reflect the findings and resolved provisions of this resolution and {state} urges other states to do likewise; and

BE IT FURTHER RESOLVED, that copies of this resolution are to be transmitted to the President of the United States, the U.S. Environmental Protection Agency, the U.S. Department of Energy, the National Governor's Association, the National Association of Regulatory Utility Commissioners, National Association of State Energy Officials, the Environmental Council of the States, the Association of Consumer Counsel and other relevant organizations, all governors, all state utility regulatory commissions, state energy officials, all state environmental commissioners and all states' legislative leadership and {state} staff is directed to advocate for the provisions in this resolution, inform the states on the status of the resolved actions, and collaborate with the aforementioned parties to educate and achieve the goals in this resolution.

Updating Net Metering Policies Resolution

WHEREAS, The U.S. electric grid delivers a product essential to all Americans; and

WHEREAS, Electricity runs our economy—it powers our homes, businesses, industries, and the smart technologies and innovations that enhance our quality of life; and

WHEREAS, The electric power industry is leading the transformation to make the grid more flexible and more resilient to meet the growing demands of our digital society; and

WHEREAS, The electric power industry directly employs more than 500,000 American workers and is the nation’s most capital-intensive industry, investing more than \$90 billion per year, on average, in capital expenditures, including investments in transmission and distribution infrastructure; and

WHEREAS, ALEC’s Electricity Transmission Principles assert that the electricity transmission system must be “coordinated in a manner that satisfies current needs and future growth, and that provides energy consumers with the necessary levels of system security, overall reliability, and access to the most economic and diverse sources of electricity”; and

WHEREAS, there is growing interest among customers to self-serve with on-site rooftop solar panels; and

WHEREAS, there is growing interest among renewable energy service providers in installing rooftop solar panels and other small-scale, on-site distributed generation (DG) systems; and

WHEREAS, It is recognized that when these rooftop solar and other DG systems first came to market years ago, many states approved a billing plan called net metering that provided a subsidy to distributed generators to encourage their introduction; and

WHEREAS, Some states now have net metering policies that credit rooftop solar or other DG customers for any excess electricity that they generate and sell using the grid and require utilities to buy this power at the full retail rate; and

WHEREAS, The full retail rate of electricity often includes the fixed costs of the poles, wires, meters, advanced technologies, and other infrastructure that make the electric grid safe, reliable, and able to accommodate solar panels and other DG systems; and

WHEREAS, When net-metered customers are credited for the full retail cost of electricity, they effectively avoid paying the grid costs, and these costs for maintaining the grid then are shifted to those customers without rooftop solar or other DG systems through higher utility bills; and

WHEREAS, The use of rooftop solar and other DG systems now has become more widespread, and many states are reviewing their net metering policies; and

THEREFORE BE IT RESOLVED that the American Legislative Exchange Council encourages state policymakers to recognize the value the electric grid delivers to all and to:

1. Update net metering policies to require that everyone who uses the grid helps pay to maintain it and to keep it operating reliably at all times;
2. Create a fixed grid charge or other rate mechanisms that recover grid costs from DG systems to ensure that costs are transparent to the customer; and
3. Ensure electric rates are fair and affordable for all customers and that all customers have safe and reliable electricity.

DRAFT

Model Bill Review

There are three options regarding the review of ALEC model bills that are 5 years old. One option is to retain the model bill, another is to amend the model bill and, lastly, a model bill can be approved to sunset and no longer be ALEC policy.

During the 2013 States & Nation Policy Summit, the Energy, Environment & Agriculture Task Force will be considering the two bills approved by the Task Force and adopted by the ALEC Board of Directors in 2008.

1. **Resolution in Opposition to EPA's Plan to Regulate Greenhouse Gases under the Clean Air Act**

This resolution puts ALEC on record as opposing any EPA efforts to regulate greenhouse gas emissions. Much has changed since 2008, and this resolution could stand to be updated.

Recommendation: Allow to sunset upon adoption of new resolution with same name.

2. **Resolution Urging Congress to End the Outer Continental Shelf Moratorium on Oil and Natural Gas Exploration and Production**

This resolution calls for Congress to end the Outer Continental Shelf (OCS) moratorium and to allow coastal states to determine whether or not offshore drilling should be permitted along their coast lines. While some offshore areas have development bans, most of the OCS is free of such restrictions after the moratoria expired in September 30, 2008.

Recommendation: Allow to sunset.

Resolution in Opposition to EPA's Plan to Regulate Greenhouse Gases under the Clean Air Act

WHEREAS, EPA has released an Advance Notice of Proposed Rulemaking which describes a nationwide scheme to regulate greenhouse gases under the Clean Air Act; and

WHEREAS, ALEC has previously stated its opposition to EPA regulating greenhouse gases^[1]; and

WHEREAS, ALEC has also previously stated that if EPA were to pursue such a course, at the very least, it would require additional action from Congress clarifying and specifying EPA's legal and regulatory obligations with respect to greenhouse gases^[2]; and

WHEREAS, EPA's plan to regulate greenhouse gases is very expansive in scope, envisioning a nationwide cap and trade program for greenhouse gases, additional motor vehicle regulations and economy-wide restrictions impacting a wide range of industries including dairy and beef operations, office buildings, hospitals, schools, large homes, houses of worship, and even regulating the greenhouse gas emissions from lawnmowers, among other things; and

WHEREAS, the U.S. Court of Appeals for the District of Columbia Circuit has recently ruled that the EPA does not have authority to carry out a cap and trade plan under the Clean Air Act^[3]; and

WHEREAS, EPA's plan represents policymaking which is the prerogative of the legislative branch; and

WHEREAS, even committed proponents of ambitious greenhouse gas regulation have expressed doubts about the ANPR's approach^[4]; and

WHEREAS, climate change is a global issue, not a local or regional pollution issue as the Clean Air Act was designed to address; and

WHEREAS, EPA's plan would impose a massive economic burden on America without appreciably reducing worldwide concentrations of greenhouse gases; and

THEREFORE BE IT RESOLVED, that EPA should not make an endangerment finding for greenhouse gases and should not pursue regulation of greenhouse gases.

Approved by the ALEC Board of Directors on September 11, 2008.

^[1] See American Legislative Exchange Council, Resolution in Opposition to EPA's Regulation of Greenhouse Gases from Mobile Sources, (2007).

[\[2\]](#) Id.

[\[3\]](#) North Carolina v. EPA, No. 05-1244, DC Cir., July 11, 2008.

[\[4\]](#) Darren Samuelsohn, Whether it's McCain or Obama, Washington preps for '09 warming debate, Environment and Energy Daily, July, 29, 2008.

DRAFT

Resolution Urging Congress to End the Outer Continental Shelf Moratorium on Oil and Natural Gas Exploration and Production

Whereas, all Americans are suffering from record high energy prices; and

Whereas, a federal legislative moratorium prohibits oil and natural gas drilling, exploration, and production on the outer continental shelves (OCS); and

Whereas, coastal states should have the right to determine on their own whether such drilling, exploration, and production should be permitted along their coasts; and

Whereas, according to the United States Department of Interior, there are an estimated 86 billion barrels worth of oil and 420 trillion cubic feet of natural gas on the OCS^[i]; and

Whereas, Congress should eliminate policies, such as the OCS moratorium, which artificially limit oil and natural gas supply and thereby increases energy prices; and

Whereas, lower energy costs and more reliable energy markets in the United States would promote economic growth and prosperity; and

Whereas, coastal states would share in significant revenue from OCS leases; and

Whereas, offshore oil drilling would lead to significant job growth for coastal communities; and

Whereas, the United States Department of Energy has stated “Advanced, more energy-efficient drilling and production methods practically eliminate spills from offshore platforms.”^[ii]

Therefore, be it resolved, that the American Legislative Exchange Council strongly urges Congress to end the OCS moratorium and give coastal states the authority to determine whether offshore drilling should be permitted along their coast.

Approved by the ALEC Board of Directors on September 11, 2008

^[i] Offshore Energy & Minerals Management (OEMM), The Minerals Management Service, <http://www.mms.gov/offshore/>, July 30, 2008.

^[ii] “National Energy Policy,” United States Department of Energy, National Energy Technology Laboratory, p. 5-5, May 2001, <http://www.netl.doe.gov/publications/press/2001/nep/chapter5.pdf>.



Mission Statement

To advance free markets, limited government,
and federalism.