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MaryAnn
Poirier/DC/USEPA/US
06/10/2007 09:01 PM

To Michael Horowitz/DC/USEPA/US@EPA
cc
bcc
Subject Re: Meeting with Bob at 11:00 am Monday on GHG waiver

Thanks Michael. Can you give me an update after the briefing? Thanks

Sent by EPA Wireless E-Mail Services
Michael Horowitz
----- Original Message -----

From: Michael Horowitz
Sent: 06/09/2007 07:12 PM
To: MaryAnn Poirier
Cc: huffhannon@verizon.net
Subject: Meeting with Bob at 11:00 am Monday on GHG waiver

Mary Ann;

John called me to let me know that Bob has been called to the White House for a meeting on GHG, and John has been told that the California waiver will be a, if not the, topic. There will be a briefing for Bob at 11:00 on Monday to prepare him. It is likely that the recent letter from the Alliance of Auto Manufacturers to EPA in the context of the California GHG waiver (attached) will be discussed. To very briefly review the contents of the Alliance letter (particularly the last half of it), the Alliance notes in the letter that EPA's position and that of the D.C. Circuit in MEMA is that EPA does not have the right to change California's regs in the context of the waiver proceeding, and that EPA's waiver decision cannot be based on other statutes like EPCA, but must be limited to the 3 criteria in 209(b). The Alliance also notes EPA's position that California waivers are not covered by Executive Order 12866 (and therefore the new executive order on GHG coordination). The Alliance notes that the state of Vermont (in the context of the Vermont GHG case) stated that EPA had authority to revise California's regulations. The Alliance has asked EPA to explain its position in a responsive letter. The Alliance does not quarrel directly with EPA's historical positions (one likely reason is because these positions help the Alliance's case in Vermont); however, the Alliance says that if EPA does believe it has greater authority to do a more extensive review of California's regulations in the context of a waiver, then the Alliance believes that EPA will need to coordinate directly with NHTSA and that the Executive Orders should apply. The Alliance notes that regardless, EPA should coordinate with NHTSA in this waiver given NHTSA's historical role in such regulation. [attachment "EPA-HQ- AR2006-0173 June 5.pdf" deleted by MaryAnn Poirier/DC/USEPA/US]

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