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ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

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June 4, 2007

The Honorable Stephen Johnson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Ariel Rios Building  
Washington, DC 20460

Dear Administrator Johnson:

On Monday, May 14, 2007, President Bush announced a new Executive Order concerning cooperation among agencies in addressing greenhouse gas emissions from motor vehicles.<sup>1</sup> On Tuesday, May 15, 2007, officials from the Environmental Protection Agency, the National Economic Council, and the Department of Transportation briefed the staff of the members of the House Energy and Commerce Committee regarding the President's announcement.

I am concerned because this briefing indicated that the Administration's actions may actually delay progress on addressing climate change rather than expedite it. Therefore, I am seeking clarification on two important issues.

In his May 14 announcement, President Bush stated:

I'm directing the EPA and the Department of Transportation, Energy, and Agriculture to take the first steps toward regulations that would cut gasoline consumption and greenhouse gas emissions from motor vehicles, using my 20-in-10 plan as a starting point.<sup>2</sup>

However, at the May 15 briefing, Administration officials informed House staff that the President had announced "no new policy" in his May 14 speech. Specifically, Administration

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<sup>1</sup> White House Office of the Press Secretary, *President Bush Discusses CAFE and Alternative Fuel Standards* (May 14, 2007) (online at <http://www.whitehouse.gov/news/releases/2007/05/20070514-4.html>).

<sup>2</sup> *Id.*

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officials stated that despite the President's statement that he was directing EPA to begin a process to "cut ... greenhouse gas emissions from motor vehicles," the Administration had no position on whether the EPA rules should allow greenhouse gas emissions to decrease or increase. Administration officials stated that such a preference would "prejudge" the outcome of the process. These statements accurately reflect the text of the President's Executive Order, which fails to mention either a goal of reducing greenhouse gas emissions or reducing oil consumption.<sup>3</sup>

At the May 15, 2007, briefing, the Administration officials were also asked about California's efforts to require CO<sup>2</sup> reductions from motor vehicles. The officials refused to reject the possibility that the new Executive Order could lead to a delay in the granting of California's request for a waiver that would allow California and other states to adopt technically feasible and cost-effective emissions standards to reduce global warming pollution from new passenger vehicles.

The answers provided at the briefing create confusion about the Administration's commitment to address global warming. To help clarify the Administration's position, I request that you answer the following questions:

1. The House may soon consider legislation to establish an alternative fuels standard, such as the one called for by the President's "20-in-10 plan." Does the Administration believe that this legislation must actually reduce greenhouse gas emissions? If so, what safeguards should be included in legislation to guarantee this outcome?
2. EPA must regulate greenhouse gas emissions from motor vehicles.<sup>4</sup> Does the Administration believe that this regulation must actually reduce greenhouse gas emissions? If so, why has the Administration been unwilling to say so?

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<sup>3</sup> White House Office of the Press Secretary, *Executive Order: Cooperation Among Agencies in Protecting the Environment with Respect to Greenhouse Gas Emissions From Motor Vehicles, Nonroad Vehicles, and Nonroad Engines* (May 14, 2007) (online at <http://www.whitehouse.gov/news/releases/2007/05/20070514-1.html>).

<sup>4</sup> The Supreme Court found that EPA may avoid regulating greenhouse gases only if EPA "determines that greenhouse gases do not contribute to climate change or ... provides some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do." *Massachusetts v. EPA*, U.S. (Apr. 2, 2007) (online at <http://www.supremecourtus.gov/opinions/06pdf/05-1120.pdf>).

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3. Will the new Executive Order delay action on California's request for a waiver for its regulation of greenhouse gas emissions from motor vehicles? By what date will EPA act upon this request?

Please provide answers to these questions no later than June 11, 2007. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Henry A. Waxman  
Chairman

cc: Tom Davis  
Ranking Minority Member