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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0529**

HENRY A. WAXMAN  
29TH DISTRICT, CALIFORNIA

May 3, 2001

RANKING MEMBER  
COMMITTEE ON GOVERNMENT  
REFORM  
MEMBER  
COMMITTEE ON COMMERCE  
DEMOCRATIC STEERING COMMITTEE

President George W. Bush  
The White House  
1600 Pennsylvania Ave, NW  
Washington, DC 20500

Dear Mr. President:

I have just learned that the White House has directed the U.S. Environmental Protection Agency (EPA) to deny the state of California's request for a waiver of the Clean Air Act's oxygenate requirement within federal reformulated gas areas in California. Apparently, EPA has been directed to make this announcement imminently.

This action is simply inexplicable, so I wanted to bring it to your immediate attention.

MTBE has been used to meet the oxygenate requirement in reformulated gasoline in California. Unfortunately, MTBE has polluted California's groundwater and surface water resources, including important drinking water resources and Lake Tahoe. Use of MTBE has also inhibited the maximization of air quality improvement within the State.

Recognizing these environmental problems, Governor Davis has acted to phase out MTBE by January 1, 2003. At the same time, the Governor asked EPA to waive the oxygenate requirement for reformulated gasoline. The Governor requested this waiver because without it the cost of gasoline to consumers could rise dramatically.

The EPA has been presented with exhaustive scientific, technical, and analytical documentation supporting the environmental and economic benefits to California that relief from the oxygenate mandate would provide. A waiver is critical to California's commitment to protect public health and the environment and avoid compounding its energy problems.

On April 6, 2001, every member of the California House delegation -- Republicans and Democrats alike -- requested that Administrator Whitman grant California's waiver request. It is my understanding that although the science warrants granting of the waiver and Administrator Whitman explicitly wishes to grant the waiver, the White House has directed EPA to deny the request.

California is currently experiencing an unprecedented energy crisis. Denial of the oxygenate waiver will create a second energy crisis. The California Energy Commission has

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estimated that phasing out MTBE without a waiver from the federal government could cost consumers almost \$1 billion each year.


Many in California believe that your Administration is trying to take advantage of California's energy crisis. Rather than providing needed relief to California from skyrocketing energy prices, they fear that your Administration is using the crisis to provide a basis for drilling in the Arctic National Wildlife Refuge and other environmentally sensitive areas, as well as repealing important parts of the Clean Air Act, such as the requirements that new and modified facilities install modern pollution controls. They point to comments such as those of Myron Ebell of the Competitive Enterprise Institute, who said on March 27, 2001:

The great thing about politics is how scared legislators get by turns of events. . . . The little bit we've seen in California is just a foretaste of what is likely to happen this summer. You can scare these guys into doing almost anything if you pick the right moment. The key will be if the [GOP] leadership picks the right moment.

Perhaps some may believe subjecting California to a second energy crisis may help gain acceptance of objectionable energy policy provisions. But such an approach would be so transparent that it would be difficult to believe that it could be seriously considered.

Mr. President, California is part of the United States. It deserves protection under the law just as any other state does. I urge you to personally review this matter and to approve Governor Whitman's recommendation.

Sincerely,



Henry A. Waxman  
Member of Congress