



ALAN WILSON
ATTORNEY GENERAL

March 29, 2011

Hon. Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
EPA Headquarters – Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, D.C. 20460

Dear Ms. Jackson:

As state Attorneys General, we are writing to ask the EPA to defer its program of greenhouse gas (GHG) regulations so that Congress can be given an opportunity to evaluate both the need and timing of such regulations. Such deferral is especially important to us given the disruption that the rapid implementation of the EPA program is causing to the state administrative agencies that we advise and the businesses those agencies have been tasked with regulating.

As you know, litigation is now underway challenging various aspects of the GHG regulations, as well as the Endangerment Finding on which those regulations are based; however, our purpose in writing you is *not* to debate those particular issues. Indeed, those are issues on which all of us are not necessarily agreed. Instead, our purpose today is to ask that you exercise the discretion recognized by the Supreme Court in *Massachusetts v. EPA*, 549 U.S. 497 (2007), with respect to the timing of your regulations by deferring the GHG regulatory program.

Such a deferral would have at least three major advantages:

1. A deferral would allow the current Congress a full opportunity to review the EPA's Endangerment Finding and to determine the best course for our nation to take. The Clean Air Act, under which the EPA has adopted its regulations, is not an effective or efficient vehicle to deal with an issue like the worldwide emissions of GHG's, and the issue calls for full debate by our elected representatives.

2. A deferral would relieve the pressure on state agencies scrambling to implement new regulatory requirements in the face of the drastic consequences that your agency has

announced it could impose if such implementation is not put in place immediately. As you know, those consequences could include subjecting States to a construction ban and requiring a multitude of relatively small CO₂ emitters – including some houses of worship, hospitals, big box stores, apartment buildings and hotels – to comply with complicated emission and permitting requirements. The EPA has characterized such sweeping application of GHG regulation as an “absurd result” that should be avoided, and we agree.

3. Whatever may be the long term merit of your agency’s regulatory approach – an issue on which we may disagree, even among ourselves – there can be no doubt that the immediate consequences will be to make economic recovery more difficult. Deferral would help facilitate such recovery, and it would allow time for a study of the long term impact of GHG regulations on jobs and the economy.

As shown by EPA’s own documents, the United States contributes a decreasing fraction of the GHG emissions in the world today,¹ and the total amount of six common pollutants emitted in our country has actually decreased over the last 30 years.² Thus, it may be fairly inferred, even from your own documents, that the deferral we request would not have any significant deleterious effect on the global climate.

For these reasons, we respectfully request that your agency defer its GHG regulatory program for at least three years.

Sincerely,



Alan Wilson
Attorney General

[Signatures continue next page]

¹ For example, in 1990, the United States produced approximately 6,000 million metric tons of GHG emissions, compared to a world total of approximately 31,000 million metric tons. By 2005, the GHG emissions in the United States had risen to approximately 7,000 million metric tons, whereas the world total in 1990 had swelled to 38,000 million metric tons. Thus, only about 1/7 of the recent increase in worldwide GHG emissions is attributable to the United States. *Source:* <http://www.epa.gov/climatechange/indicators/pdfs/CI-greenhouse-gases.pdf>.

² Between 1970 and 2008, the United States’ population increased by 48 percent, coal-fueled electricity increased by 184 percent and gross domestic product increased by 209 percent; however, non-CO₂ emissions *decreased* by 60 percent. *Source:* www.epa.gov/airtrends/images/comparison70.jpg, www.epa.gov/air/emissions and www.eia.doe.gov/emeu/aer/pdf/pages/sec8_17.pdf



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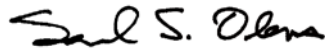
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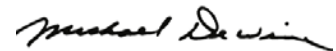
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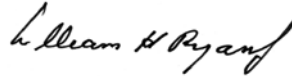
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