

David  
Dickinson/DC/USEPA/US  
06/16/2007 05:33 PM

To "Edgerton, Vic"  
cc "'lewis.josh@epamail.gov'", "'stewart.iwaner@epamail.gov'"  
bcc  
Subject Re: Docket OAR-2006-0173. Comments on CARB's  
Proposed Waiver from Re p. Dennis. J. Kucinich.

These comments have been submitted to the docket - thank you.

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06/15/2007 06:08 PM

To David Dickinson/DC/USEPA/US@EPA,  
"'lewis.josh@epamail.gov'" <lewis.josh@epamail.gov>,  
"'stewart.iwaner@epamail.gov'"  
<stewart.iwaner@epamail.gov>  
cc  
Subject Docket OAR-2006-0173. Comments on CARB's Proposed  
Waiver from Re p. Dennis. J. Kucinich.

Attached, please find comments by Congressman Dennis J. Kucinich on the waiver requested by the California Air Resources Board, enabling them to regulate greenhouse gas emissions from automobiles. For your convenience, I have also pasted the text below. Do not hesitate to contact me with any questions.

Sincerely,  
Vic Edgerton

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Vic Edgerton, MPH, MEM  
Senior Legislative Assistant  
Congressman Dennis J. Kucinich  
(202) 225-5871  
<<Kucinich comments on CARB Waiver to EPA.pdf>>

EPA-2923

June 15, 2007

Hon. Stephen L. Johnson  
Administrator

Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460-0001

Docket Number: OAR-2006-0173

Dear Administrator Johnson:

I write in strong support of the California Air Resources Board application for a waiver under Section 209(b) of the Clean Air Act to set its own standards for greenhouse gas emissions. California, due to its geography and population, is uniquely challenged in its efforts and ability to protect its people's health and environment. California led the nation when it adopted the nation's first automobile emission standard. Now it seeks to control greenhouse gas emissions. California's leadership is to be commended. In fact, California is being emulated by Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and the State of Washington.

This Administration has been lax in responding to the urgency of global climate change. Most of the nations of the world have ratified the Kyoto climate change treaty. The United States has not. Twelve states have adopted a much-needed standard in curbing greenhouse gas emissions. The United States has not. The Administration has assigned political appointees with little to no scientific training to water down global warming documents authored by some of the most respected scientists in the world. The Administration continues to slow progress on one of the most important issues of our time at every opportunity.

Failing to take the lead on the issue is dangerous, but actively preventing states from taking action is irresponsible. Furthermore, the Environmental Protection Agency (EPA) is not entitled to do so. Under the Clean Air Act, the EPA must grant the waiver unless the request is (A) arbitrary and capricious; (B) the standard is not needed; or (C) inconsistent with motor vehicle standards under Section 202(a) of the Clean Air Act. California's adoption of greenhouse gas standards came only after full public and administrative review of the problem and potential solutions as required and executed under standards of law. The evidence that California's standard is needed is fully documented in the administrative record in both the State and in its federal documentation to the EPA in defense of its requested waiver. California's standard is also fully within the limits of Section 202. Thus, the California standard is not arbitrary or capricious, is of great necessity, and does not conflict with existing law. The waiver must be granted.

The most recent governmental body to challenge EPA on its failure to regulate greenhouse gasses is the United States Supreme Court. In *Massachusetts v. Environmental Protection Agency*, the Court found that the EPA must reconsider its failure to regulate greenhouse gas emissions from motor vehicles. The EPA should show good faith by allowing California to regulate its greenhouse gas emissions.

The California standards are feasible but aggressive, and they will stimulate the economy. I would support these, or similar, standards on a national basis. If the EPA will not lead, it must

not stymie the ability of others to do so. I strongly urge you to grant the waiver California has requested under Section 209(b) of the Clean Air Act.

Sincerely,

Dennis J. Kucinich  
Member of Congress

DJK:mg

[attachment "Kucinich comments on CARB Waiver to EPA.pdf" deleted by David Dickinson/DC/USEPA/US]