

ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

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February 25, 2010

Mark Crisson
President and Chief Executive Officer
American Public Power Association
1875 Connecticut Avenue, NW
Suite 1200
Washington, DC 20009-5715

Dear Mr. Crisson:

We were disappointed to learn that the American Public Power Association (APPA) has sent a letter to Senators urging them to overturn the U.S. Environmental Protection Agency's scientific finding that greenhouse gas emissions from automobile tailpipes endanger public health and welfare. This scientific finding is supported by an overwhelming amount of scientific research that has been produced, reviewed, and validated over a period of decades.

Numerous APPA members have informed us over the last 24 hours that they do not support APPA's position.

We are also deeply concerned that APPA appears to be actively misinforming its members about this issue. If the EPA's scientific finding was reversed, as APPA proposes, then EPA would be unable to finalize proposed tailpipe standards for automobiles that cut carbon pollution and reduce our dependence on oil. However, when APPA informed its members that the association had taken a position on S.J. Res. 26, the Murkowski resolution, APPA stated that whether the resolution would prevent EPA from issuing tailpipe standards for automobiles "remains a point of debate between the lawyers."¹ APPA's staff knows this is not the case, because they have informed our staff that APPA has reviewed Administrator Jackson's February 22, 2010, letter to Sen. Rockefeller. In this letter, Administrator Jackson clearly states:

You asked in your letter what the result would be if Senator Murkowski's resolution of disapproval of EPA's endangerment finding were enacted. One result would be to prevent EPA from issuing its greenhouse gas standard for light-duty vehicles, because the

¹ E-mail entitled "APPA Position on Murkowski Disapproval Resolution" from APPA staff to APPA Regular Utility Members (Feb. 24, 2010).

endangerment finding is a legal prerequisite of that standard. The impacts of that result would be significant. In particular, it would undo an historic agreement among states, automakers, the federal government, and other stakeholders. California and at least thirteen other states that have adopted California's emissions standards likely would enforce those standards within their jurisdictions, leaving the automobile industry without the explicit nationwide uniformity that it has described as important to its business.²

In light of this information, we request that you provide responses to the following questions:

1. Please clarify what exactly APPA's position is on EPA's scientific finding. If APPA disputes the scientific validity of the EPA finding, please provide the scientific basis for this dispute. If APPA does not dispute the scientific validity of the EPA finding, please explain why APPA is urging U.S. Senators to "disapprove" of EPA's science when APPA has no basis for disputing it.
2. Does APPA oppose the regulation of carbon pollution from automobiles? If so, why?

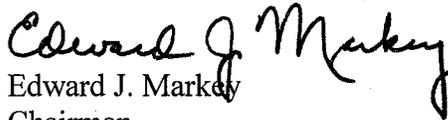
Finally, we request that you update your members with accurate information that explains the effect that S.J. Res. 26 would have, if enacted, upon EPA's pending greenhouse gas standard for light-duty vehicles.

We would appreciate your immediate attention to this request and request a response by March 3, 2010.

Sincerely,



Henry A. Waxman
Chairman



Edward J. Markey
Chairman
Subcommittee on Energy and Environment

cc: The Honorable Joe Barton
Ranking Member

The Honorable Fred Upton
Ranking Member
Subcommittee on Energy and Environment

² Letter from Lisa Jackson, Administrator, U.S. Environmental Protection Agency, to Sen. Jay D. Rockefeller (Feb. 22, 2010).