RESOLUTION IN OPPOSITION TO EPA’S PLAN TO REGULATE GREENHOUSE GASES UNDER THE CLEAN AIR ACT

WHEREAS, EPA has released an Advance Notice of Proposed Rulemaking which describes a nationwide scheme to regulate greenhouse gases under the Clean Air Act; and

WHEREAS, ALEC has previously stated its opposition to EPA regulating greenhouse gases[1]; and

WHEREAS, ALEC has also previously stated that if EPA were to pursue such a course, at the very least, it would require additional action from Congress clarifying and specifying EPA’s legal and regulatory obligations with respect to greenhouse gases[2]; and

WHEREAS, EPA’s plan to regulate greenhouse gases is very expansive in scope, envisioning a nationwide cap and trade program for greenhouse gases, additional motor vehicle regulations and economy-wide restrictions impacting a wide range of industries including dairy and beef operations, office buildings, hospitals, schools, large homes, houses of worship, and even regulating the greenhouse gas emissions from lawnmowers, among other things; and

WHEREAS, the U.S. Court of Appeals for the District of Columbia Circuit has recently ruled that the EPA does not have authority to carry out a cap and trade plan under the Clean Air Act[3]; and

WHEREAS, EPA’s plan represents policymaking which is the prerogative of the legislative branch; and

WHEREAS, even committed proponents of ambitious greenhouse gas regulation have expressed doubts about the ANPR’s approach[4]; and

WHEREAS, climate change is a global issue, not a local or regional pollution issue as the Clean Air Act was designed to address; and

WHEREAS, EPA’s plan would impose a massive economic burden on America without appreciably reducing worldwide concentrations of greenhouse gases; and

THEREFORE BE IT RESOLVED, that EPA should not make an endangerment finding for greenhouse gases and should not pursue regulation of greenhouse gases.

Adopted by the Natural Resources Task Force on July 31, 2008.

Approved by the ALEC Board of Directors on September 11, 2008.

Id.
