

Calif. senator leads effort for waiver investigation

Feb. 11 -- Sen. Barbara Boxer is leading an effort by eight Democrats and Independents asking the investigative arm of Congress to examine the EPA's December decision to deny California permission to regulate tailpipe emissions.

"Unfortunately, the Bush administration presented only a vague and suspect legal justification for its decision," they wrote in a Feb. 8 letter to David Walker, comptroller general at the Government Accountability Office. "In addition to providing an incomplete and incoherent rationale for rejecting California's request, the Bush administration has repeated its pattern of failing to provide the Senate Environment and Public Works Committee full access to critical records."

In a related matter, Rep. Henry Waxman, D-Calif., has issued a subpoena for the full version of a 46-page PowerPoint presentation prepared by Environmental Protection Agency staff. Waxman chairs the House Oversight and Government Reform Committee.

Excerpts from the redacted version of the document outlining agency officials' recommendations on California's request indicate EPA Administrator Stephen Johnson was at odds with his staff's advice. For instance, they said climate change is a unique challenge in California because of how it could exacerbate problems with air pollution, wildlife, water supplies and flooding of coastal communities. Staffers also warned Johnson that denying a Clean Air Act waiver would lead to a lawsuit, which EPA would likely lose.

The EPA let environment committee staff members review documents with the caveat that they not photocopy or keep the PowerPoint presentation.

Boxer, the California Democrat who chairs the environment committee, and the others posed 12 specific questions for Walker. They ask if the White House had anything to do with the decision; who lobbied Johnson; why the denial took two years; if the decision-making process deviated from others reached by the EPA; what legal, policy and other advice and analyses were completed in advance; and what facts Johnson had when deciding Dec. 19 that no "compelling and extraordinary conditions" supported California's waiver request.

"We shouldn't have an (EPA) that blocks states from choosing higher standards than the federal government," said Sen. Amy Klobuchar, D-Minn., who also signed the letter along with Sens. Hillary Clinton, D-N.Y., Sheldon Whitehouse, D-R.I., Joseph Lieberman, I-Conn, Frank Lautenberg, D-N.J., Bernie Sanders, I-Vt. and Benjamin Cardin, D-Md.

California and 15 other states, as well as five environmental organizations, sued the EPA in January to force it to overturn its waiver rejection. Waiver supporters also have employed Senate hearings and federal legislation to gain permission to control heat trapping gas emissions from vehicles.

"Did this administration put politics before not only science but proper administrative law to block our states' efforts to fight global warming?" Whitehouse asked.

California passed a law requiring that all its new cars, light trucks and sport utility vehicles reduce emissions, beginning with model year 2009. At least 17 states had vowed to follow its stricter emissions lead.

"If you can't do the right thing," Sanders told Johnson, "at least get out of the way of California, Vermont and other states."

To have your own access to news stories like this one, go to <http://www.wastenews.com>.