



## Oppose the Washington Bailout for Big Oil and Other Polluters

### *House Measures Mirroring Senator Murkowski's Resolution Attack Clean Air Act Protections, Increase America's Oil Dependence*

Several bills have been introduced in the House to bailout Big Oil and other polluters by blocking all Clean Air Act limits on global warming pollution. These bills would stop key policies to reduce America's dependence on oil and other fossil fuels, including the historic clean cars standards finalized earlier this year. We don't need another Washington bailout that protects Big Oil and other polluters. We strongly urge Congress to oppose this Big Oil Bailout and other measures that delay or erode Clean Air Act protections.

America would use at least [450 million more barrels of oil](#) as a result of blocking the new clean cars standards alone through this Big Oil Bailout, according to the Environmental Protection Agency. This figure is equivalent to allowing the BP spill continue to gush for **250 years**, based on BP's initial estimates of the size of the spill. It's also more than **\$33.3 billion** in lost savings for Americans at the gas pump (assuming current oil prices).

The House measures to gut the Clean Air Act are modeled off of a Congressional Review Act resolution (S.J.R. 26) introduced by Alaska's Senator Lisa Murkowski. The resolution would overturn EPA's scientific finding that global warming pollutants endanger human health and the environment. Senator Murkowski has accurately [explained on the Senate floor](#), "My resolution would stop the endangerment finding. In general terms, I'm proposing that Congress veto it."

EPA issued its ["endangerment finding"](#) for the pollutants that are fueling global warming last December in response to the 2007 Supreme Court decision in [Massachusetts vs. EPA](#), in which the Court ruled that global warming pollutants are covered by the Clean Air Act. Without the endangerment finding, EPA cannot take action under the Clean Air Act – the law of the land for addressing air pollution problems – to limit these pollutants from any source (cars, power plants, etc.).

The Congressional Review Act is a rarely used law passed as part of then-Speaker Newt Gingrich's Contract with America that provides Congress expedited procedures to void agency rules. It has only successfully been used once (to throw out Clinton administration ergonomics rules). If the Senate and House pass the resolution by a simple majority vote and the President signs it, EPA also would be prohibited from issuing a "substantially similar" rule without new express authority from Congress. A Senate vote on Senator Murkowski's resolution is scheduled for June 10.

The resolution is opposed by [national security organizations and veterans](#), the [UAW](#), [Alliance of Automobile Manufacturers](#), [former Republican EPA Administrator Russell Train](#), [American Academy of Pediatrics](#), [Conference of Mayors](#), [SEIU](#), [NAACP](#), [thousands of scientists](#), [environmental organizations](#), and governors, attorneys general, and top environmental officials of numerous states (such as [California's Governor Arnold Schwarzenegger](#), [Colorado's Governor Bill Ritter](#), [Maine's Governor John Baldacci](#), and [Illinois's Governor Pat Quinn](#)).

Two prominent industry lobbyists, Jeffrey Holmstead and Roger Martella, have been closely tied to Senator Murkowski's effort. Holmstead, a coal and electric utility industry lobbyist, [admitted to the Washington Post](#) that he worked on the "exact phrasing" of Murkowski's original amendment on the issue in the fall of 2009. Senator Murkowski is the [# 3 recipient](#) in Congress of money from Big Oil and the [#2 recipient](#) of money from electric utilities so far this election cycle. Citizens for Responsibility and Ethics in Washington has [raised ethical questions](#) about the extraordinary access that Senator Murkowski granted to top campaign contributors in the drafting of her legislation.

### *Seven Different House Measures*

A total of seven different measures have been introduced in the House to roll back the Clean Air Act and block the law from being used to tackle global warming. There are three categories of measures: (1) Congressional Review Act resolutions; (2) bills to overturn the landmark 2007 Supreme Court ruling on global warming; and (3) a bill to temporarily block Clean Air Act limits on global warming pollution from big smokestack industries - by far the largest source of the pollution. Specifically:

- ⇒ Three identical "resolutions of disapproval," under the Congressional Review Act, would overturn the Environmental Protection Agency's scientific finding that global warming pollutants threaten human health and the environment, prohibiting use of the Clean Air Act to protect us from that pollution. The resolutions have been introduced by (1) Rep. Joe Barton (R-TX); (2) Reps. Skelton (D-MO), Collin Peterson (D-MN), and Jo Ann Emerson (R-MO); and (3)

Reps. Jerry Moran (R-KS) and Marsha Blackburn (R-TN) (*H.J.Res. 77, 76, and 66, respectively; companion to S.J.Res 26, Sen. Lisa Murkowski*).

- ⇒ Three nearly identical bills would reverse the Supreme Court's landmark 2007 global warming decision by declaring that carbon dioxide and other global warming pollutants are not air pollutants under the Clean Air Act. The bills have been introduced by (1) Rep. Blackburn; (2) Rep. Earl Pomeroy (D-ND); and (3) Reps. Skelton, Peterson, and Emerson (*H.R. 391, 4396, and 4572, respectively*).
- ⇒ A bill introduced by Reps. Nick Rahall (D-WV) and Rick Boucher (D-VA) would temporarily block all groundwork and actions by EPA to cut global warming pollution from big smokestack industries, the largest source of global warming pollution nationwide (*H.R. 4753; companion to S. 3072, Sen. Jay Rockefeller*).

## **Impact of this Bailout for Big Oil and Other Polluters**

### *Increasing America's Oil Dependence*

Just when the Gulf oil disaster highlights the urgent need to end America's oil dependence, the Congressional Review Act resolutions and bills to exempt pollutants from the Clean Air Act would bring President Obama's historic clean vehicles initiatives to a halt. Doing so would reduce the oil savings benefits of the clean cars standards [finalized this April](#) by at least a quarter (450 million barrels), [according to EPA](#), and block additional steps to cut our oil dependence - including those the [President announced on May 21 in the Rose Garden](#).

All told, the impact on our oil dependence would be substantial because the Clean Air Act is the country's most powerful policy tool to cut oil use through emission standards for vehicles (which can go further than the Department of Transportation's fuel economy standards) and low-carbon transportation fuels.

### *Gutting the Clean Air Act*

All seven House measures would gut the Clean Air Act, a law with a proven, 40-year history of cost-effectively cutting dangerous pollution, protecting human health and the environment, and spurring innovation.

Since 1990, when President George Bush, Sr. signed the 1990 Clean Air Act Amendments into law with overwhelming bipartisan support, emissions of six common air pollutants have declined by 41 percent, while gross domestic product has grown by 64 percent, [according to the EPA](#). The law has successfully phased lead out of gasoline, improved air quality in cities across the country, protected the

ozone layer, and greatly reduced acid rain, among many other accomplishments. For instance, [according to the EPA](#), lead levels in the ambient air have dropped by 91 percent since 1980, greatly reducing the number of children with IQs below 70 as a result of lead exposure. The [George W. Bush White House found](#) that the benefits of Clean Air Act programs from 1997-2007 outweighed the costs by a range of 3 to 1 to as much as 22 to 1.

The Clean Air Act was designed to curb air pollution and address new dangers as they are identified by modern science. The Clean Air Act was always intended to cover a wide variety of dangerous air pollutants. In the beginning, clean air standards covered only five pollutants. But EPA has been doing its job for the last 40 years and, based on the science, now protects the public from dozens of additional dangerous pollutants.

While most of these House measures (with the exception of the Rahall bill) would dismantle President Obama's clean vehicles initiatives, all of the bills would block new, just-finalized [global warming pollution permitting standards for large smokestack industries](#). EPA's new rule, which begins to take effect in 2011, requires coal-fired power plants (by far the nation's largest source of the pollution), oil refineries, and other large polluters to use available technology to cut pollution when new facilities are constructed or existing facilities are upgraded in ways that increase pollution. EPA has made absolutely clear that it will not regulate smaller sources. The measures also would block all other existing and to-be-developed Clean Air Act limits on global warming pollution.

### *Overturning Science*

In mid May, the National Academy of Sciences released its most [comprehensive review](#) of climate science. Its conclusions are as definitive as science gets: "Climate change is occurring, is caused largely by human activities, and poses significant risks for—and in many cases is already affecting—a broad range of human and natural systems." The NAS went so far as to say the following: "Some scientific conclusions or theories have been so thoroughly examined and tested, and supported by so many independent observations and results, that their likelihood of subsequently being found to be wrong is vanishingly small. Such conclusions and theories are then regarded as settled facts. This is the case for the conclusions that the Earth system is warming and that much of this warming is very likely due to human activities."

The Congressional Review Act resolutions would veto America's most authoritative scientific body's "settled fact." They would turn science on its head, voiding EPA's scientific finding that global warming pollutants threaten human health and the

environment. Congress has never vetoed an “endangerment” determination. It’s a dangerous precedent that could have far-reaching implications as politics replace rigorous science-based decision-making.

The other bills recklessly disregard the science, taking unprecedented action to remove dangerous pollutants from the reach of the Clean Air Act (Blackburn, Pomeroy, and Skelton bills) or blocking any action to even consider solutions to curb emissions from the dirtiest smokestacks and finally hold these polluters accountable (Rahall bill).

With the disaster in the Gulf causing untold damage to people’s lives, livelihoods, and the environment, it’s time to end our dependence on oil and move to clean energy. We strongly urge the House to defeat the Big Oil Bailout and other measures to delay or erode Clean Air Act protections.

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