



Background on Murkowski's Sneak Attack on the Clean Air Act

As early as on January 20, the Senate is slated to vote on an amendment sponsored by Senator Lisa Murkowski to block President Obama from enforcing the Clean Air Act to fight global warming. Her effort is built on a foundation of misleading, inflammatory statements, and it has special interest fingerprints all over it. A prominent coal and electric utility industry lobbyist and senior Bush EPA official [admitted this week to the *Washington Post*](#), "I certainly worked with her staff' on the exact phrasing of the measure in September."

This fact sheet walks through the background on the upcoming debate and includes links to many relevant documents.

Murkowski's Effort to Block the Clean Air Act

Senator Murkowski's latest effort to block Clean Air Act protections is to sneak her rollback into an unrelated, must pass joint resolution to raise the debt limit (H.J.Res.45), which the Senate will start debating on Wednesday, January 20. She has yet to release the text of her amendment, but it's titled "[Endangerment EPA regulations](#)" in the official record.

In December, EPA issued its "[endangerment finding](#)" that global warming pollutants threaten human health and the environment. EPA issued the decision 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, and that EPA must determine if the science warrants an endangerment finding.

Senator Murkowski announced a separate effort in December to block EPA's endangerment finding using the Congressional Review Act, a law that enables Congress to veto federal agency rules using special, expedited procedures. She explained in a mid-December [speech on the Senate floor](#), "My resolution would stop the endangerment finding. In general terms, I'm proposing that Congress veto it."

EPA must find that a pollutant endangers human health and/or the environment before issuing rules to limit the pollutant from specific sources. As a result, if Congress were to void the endangerment finding for global warming pollutants, EPA could not limit the pollutants from different sources, such as cars and light-trucks, coal-fired power plants, oil refineries, or other big smokestack industries.

All Democratic members of the Senate Environment and Public Works Committee signed a [letter](#) this week opposing her resolution and similar amendments.

These recent efforts follow Senator Murkowski's [failed attempt](#) in the fall to offer an amendment to the annual spending bill that funds the EPA (H.R. 2996); that amendment would have blocked EPA from using funds to enforce the Clean Air Act to reduce global warming pollution for the period of one year. (Note that Senator Murkowski claimed her amendment was narrower in scope, but [EPA disagreed](#).)

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 amendment. Senator Murkowski is the [#1 recipient](#) in Congress of money from electric utilities and the [#4 recipient](#) of money from Big Oil so far this campaign cycle.

The [American Petroleum Institute](#), [National Mining Association](#), [U.S. Chamber of Commerce](#), and [National Association of Manufacturers](#) are publicly on the record backing Senator Murkowski's efforts.

The Clean Air Act Works

The Clean Air Act is a proven law with a nearly 40-year track record of cost-effectively cutting pollution to protect human health and the environment and spur innovation. It is one essential tool to fight global warming.

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 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 EPA, lead levels in the ambient air are 91 percent lower than in 1980, greatly reducing the number of children with IQs below 70 as a result of lead exposure. Even the [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 (Table 1-2).

In 2009, President Obama started to enforce the Clean Air Act to reduce global warming pollution. He [announced landmark standards](#) – supported by the major auto companies, auto workers, states, and environmentalists – to reduce global warming pollution from new cars and light trucks, while also cutting our oil dependence and creating new jobs making more efficient and competitive vehicles. And his [EPA proposed the Big Polluters Rule \(also know as the "Tailoring Rule"\)](#) to implement the Clean Air Act's permitting requirements for stationary sources. EPA's proposal covers only large polluters – those that emit more than 25,000 tons of carbon dioxide a year, which is equivalent to the annual energy usage of 23,000 homes, 4,600 passenger vehicles, or 131 railcars worth of coal, [according to EPA](#). These big polluters have long been subject to the same rules for other pollutants. More than 400,000 Americans wrote to EPA during the public comment period on the proposal supporting EPA's action to hold the biggest polluters accountable, making it one of the largest outpourings of public support in EPA's history.

The Big Polluters rule will require coal-fired utilities (the nation's largest source of global warming pollution), oil companies, and other big smokestack industries to innovate to meet modern standards for global warming pollution when they build new facilities or upgrade existing facilities in ways that increase pollution. A facility could meet such a standard, which is determined on a plant-by-plant basis taking into account economic and other factors, by improving energy efficiency, co-firing with cleaner fuels, or switching to cleaner fuels. America's largest polluters have fought for years to get out from under these requirements for other pollutants, as well as for carbon dioxide.

Murkowski's Words Do Not Match Her Actions

Senator Murkowski says she's acting because ["businesses, schools, hospitals, and other fixtures found in every town in America...would suddenly face scrutiny due to their carbon footprints."](#) if President Obama enforces the Clean Air Act to fight global warming. [But EPA has made clear](#) that only very large polluters would be affected. If that's not enough for the Senator, she could offer a narrow amendment to codify EPA's Big Polluters Rule.

[Senator Murkowski](#), the [American Petroleum Institute](#), and other big smokestack industries say they do not support codifying the Big Polluters Rule – the only plausible explanation is that it would take away their red herring argument for gutting the Clean Air Act.

And then, of course, there is the hypocrisy, or at least contradiction, inherent in Senator Murkowski – who represents [the state most directly, rapidly, and dramatically affected by global](#)

[warming](#) and who has broken ranks with her party to speak out on the issue – leading the charge to block sensible action and quite possibly kill any prospects for new legislation. While she says she wants to see legislation, she does not support any of the bills currently on the table or being developed, and she's pouring her energy and political capital into this effort to undermine the Clean Air Act.

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