

April 17, 2012

The Honorable Ed Whitfield  
Chairman  
Subcommittee on Energy and Power  
US House of Representatives  
Washington, DC 20515

Dear Chairman Whitfield,

Our organizations are writing to express our opposition to the Gasoline Regulations Act of 2012, which would delay vital Clean Air Act protections applicable to the largest polluters, diminish crucial public health benefits for all Americans, and will have no discernible impact on gas prices. The bill has far-reaching, adverse health and environmental impacts, including, among others, fundamentally altering ozone public health protections and delaying a protective Tier 3 clean air program for passenger vehicles.

The bill mandates consideration of costs in the determination of ozone health-based air quality standards, overturning 40 years of clean air protection in America. A strong ozone standard will save thousands of American lives and prevent tens of thousands of asthma attacks every year. The bill would thwart the intent of a *unanimous, bipartisan* Senate, which in 1970, plainly required the Administrator to establish standards that “are requisite to protect the public health with an adequate margin of safety.” The bill would also overturn a *unanimous* Supreme Court decision, where the Court, in an opinion by Justice Antonin Scalia, concluded that the Clean Air Act was clear in its requirement that health-based air quality standards be based solely on health science. The Clean Air Act already thoroughly allows for consideration of economic factors, including cost and feasibility, in implementing pollution control strategies to achieve clean air. By including cost in the standard-setting process, this bill would fundamentally undermine these health-based protections, preventing American families from knowing whether the air they breathe is safe.

The bill also seeks to delay updated emission performance standards for petroleum refineries and a protective Tier 3 clean air program for passenger vehicles, which would significantly cut emissions of nitrogen oxides, carbon monoxide, and volatile organic compounds.<sup>[1]</sup> The cleaner gasoline needed to secure these clean air benefits would cost less than a penny a gallon – contrary to the erroneous, fear-based claims being made by the petroleum refining industry and its allies about the costs of cleaner, healthier air.

This bill fundamentally undermines these and other health-protective measures, damaging the ability of communities to maintain healthy air and resulting in additional

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<sup>[1]</sup> NACAA, *Cleaner Cars, Cleaner Fuel, Cleaner Air: The Need for and Benefits of Tier 3 Vehicle and Fuel Regulations*; October, 2011.

sickness and premature death. We cannot afford to delay these vital clean air protections for millions of Americans.

Sincerely,  
Center for Biological Diversity  
Clean Air Watch  
Clean Water Action  
Earthjustice  
Environmental Defense Fund  
Greenpeace  
League of Conservation Voters  
Natural Resources Defense Council  
Sierra Club  
Southern Environmental Law Center  
Union of Concerned Scientists  
US Climate Action Network

cc: Members, Subcommittee on Energy and Power