

June 23, 2009

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**Executive Director**

S. William Becker

House of Representatives  
Washington, D.C. 20515

Dear Representative:

On behalf of the National Association of Clean Air Agencies (NACAA) – the association of air pollution control agencies in 53 states and territories and more than 165 metropolitan areas across the country – we urge you to pass the *American Clean Energy and Security Act of 2009* (ACES).

We are fully aware that getting to this point required the careful balance of a vast range of diverse interests and understand that many compromises were necessary. We are pleased that the result of these efforts is an effective climate protection program based on solid core principles that we support, particularly related to 1) emission reduction targets, 2) the rights of states and localities, 3) mobile sources and transportation planning, 4) a renewable electricity standard, 5) black carbon and 6) adaptation.

Global warming is the most pressing environmental issue facing our generation. As the world-renowned experts who comprise the Intergovernmental Panel on Climate Change have concluded, the evidence that global warming is already affecting the planet is “unequivocal.” The mandatory, economy-wide greenhouse gas (GHG) emissions reduction strategy that serves as the foundation of this legislation includes quantifiable and enforceable limits and significant near-, mid- and long-term reduction targets. ACES would apply to 85 percent of U.S. GHG emissions and would ultimately reduce these emissions to 83 percent of 2005 levels by 2050.

The bill contains generally strong language protecting the rights of states and localities to exercise leadership in responding to global warming by enacting more stringent GHG reduction policies and programs. A majority of the states and hundreds of local areas have already stepped forward to take action to combat global warming and are carrying out a wide array of initiatives including, among others, completing climate action plans, adopting GHG reduction targets, developing mandatory GHG reporting rules, adopting Renewable Portfolio Standards, opting into California’s GHG motor vehicle emissions control program and setting GHG performance standards for new power plants. It is imperative that Congress recognize the key role these innovative efforts have played, and will continue to play, in the national climate program. We are pleased that the bill would amend the existing Clean Air Act savings clause to make clear that states and localities have the authority to enact various important measures and strategies. Although we remain concerned that the bill preempts state and local governments – from 2012 through 2017 – from implementing or enforcing their own cap-and-trade programs, to the extent such a provision remains in the bill,

we urge that it not be broadened any further and that there be no additional infringements placed on state and local authorities.

NACAA is gratified that ACES acknowledges the very substantial contribution of the transportation sector to U.S. GHG levels and that it includes provisions to ameliorate this. We concur with the underlying premise that the Administration and EPA have broad statutory authority under the Clean Air Act to address emissions from mobile sources, and we note as well that the Act wisely provides authority to states to go beyond federal standards. Both EPA's and the states' mobile source authorities have been exercised in the past with great success and we believe they can be used with equal success to address the significant, long-term challenges associated with reducing mobile source GHG emissions.

On the related issue of transportation planning, NACAA believes a successful national climate program must ensure that the transportation sector contributes its fair share of GHG emission reductions. ACES includes provisions to help accomplish this goal, such as requirements that each state establish a transportation-related GHG emissions reduction goal (requiring the concurrence of the state air quality agency); Metropolitan Planning Organizations (MPOs) develop plans to achieve the goal; and EPA certify each plan to ensure that it is likely to achieve the emissions reduction goal. We also support the requirement in ACES for EPA to serve as the lead agency in developing and promulgating the regulations to establish standardized models and methodologies for developing the goals and plans. Further, ACES' authorization of funds for competitive grants to states and MPOs to develop and implement plans will enable these efforts to succeed.

The national renewable electricity standard (RES) included in the bill requires an increasing share of electricity sold by retail suppliers to come from renewable sources. We strongly support programs that increase the use of renewable non-GHG-emitting energy sources. Such an RES would help reduce GHGs, create new jobs, stimulate capital investment, generate revenue for these energy sources and spur movement away from fossil fuels. Twenty-nine states have enacted standards for the use of renewables, and several others have adopted voluntary programs. NACAA supports a national RES, and most importantly one that does not interfere with states' authority to require more stringent programs.

The ACES' requirement that EPA take action on black carbon within one year of enactment is especially meaningful. Experts on the issue have concluded that controlling black carbon, particularly that which comes from fossil-fuel sources, is very likely the fastest way of slowing global warming. In addition, it has been estimated that reducing black carbon emissions has the potential to save up to three million lives worldwide each year.

With respect to adaptation, no matter what trajectory GHG emissions take, all regions and communities in the U.S. will need to adapt to a different, warmer climate. For clean air agencies, warmer weather will make it even more difficult to fulfill our statutory responsibilities to meet the health-based ozone standards. ACES' inclusion of provisions to address domestic adaptation are, indeed, welcome.

Finally, a successful national climate protection program must be predicated on a strong local-state-federal partnership. In order for our nation to meet its GHG emissions reduction targets, we must ensure that all levels of government are fully engaged in the design and implementation of this program.

Once again, NACAA urges you to vote in favor of the *American Clean Energy and Security Act of 2009*. If you have any questions or desire additional information, feel free to contact either of us or S. William Becker, NACAA's Executive Director.

Sincerely,



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Co-President, NACAA



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