



November 21, 2008

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New York

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Anna Garcia  
Executive Director

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Mr. David Hayes  
Obama Energy/Environment Transition Team  
c/o Latham and Watkins  
555 Eleventh Street, NW  
Suite 1000  
Washington, DC 20004-1304

Dear Mr. Hayes:

The members of the Ozone Transport Commission (OTC) fully support the position of the incoming administration, under president-elect Obama, to link the pursuit of a clean environment with the development of clean energy and growing a new, green economy. Our states look forward to collaborating with a reinvigorated Environmental Protection Agency (EPA) to develop a course of action that uses the strong and flexible foundation provided by the Clean Air Act (CAA) to achieve the nation's clean air and climate goals. To begin this collaboration, we request a meeting to discuss key actions to advance these goals during the first hundred days of the new administration.

We applaud president-elect Obama's support for vigorous measures to address climate change. Although the OTC was formed before climate change was widely acknowledged as a priority, we all recognize the critical nexus between climate, ozone and particle air pollution. In fact, many policy initiatives that reduce greenhouse gas (GHG) emissions, such as the promotion of energy efficiency and renewable energy, also reduce emissions of other pollutants that lead to the formation of ozone and particulate matter. In addition, the elevated temperatures that are caused by climate change lead to higher levels of ozone and particulate matter, hampering our efforts to achieve clean air.

In addition to tackling climate change, the incoming Administration should focus on the substantial improvements in air quality that are needed to protect public health. Unfortunately, many policies implemented by EPA over the past eight years have failed to serve this fundamental goal of the Clean Air Act. For example, EPA has weakened the new source review provisions as a tool for improving air quality. EPA's Clean Air Interstate Rule (CAIR) was doomed from the start because EPA did not design it to resolve interstate transport or to achieve the reductions needed to facilitate regional attainment of the ozone and



particulate matter standards. Finally, EPA's decision to regulate utility mercury emissions under the Clean Air Mercury Rule (CAMR), instead of under the hazardous air pollutant provisions of the CAA as intended by Congress, has set back the goal of reducing mercury levels by eight years.

To signal a clear change in direction from the past eight years, we propose an air quality agenda that: (1) recognizes the need for strong federal leadership in achieving clean air throughout the nation; (2) develops a collaborative relationship between the federal and state governments that nurtures the innovative state policies that have proven so important in reducing air pollution; (3) maximizes environmental benefits and economic efficiency by addressing issues in a holistic, multi-pollutant context; (4) puts public health and welfare protection first; (5) has sound science at its core; and (6) ensures adequate funding to improve the quality of the air our citizens breathe. To set the nation on a path to improve air quality, we suggest the following specific actions during the first 100 days that will produce tangible environmental results:

- Reverse the significant roll-back of environmental protection that has resulted from rules adopted by the Bush Administration, including changes to new source review and prevention of significant deterioration rules, and the adoption of a cap-and-trade program for mercury emissions in lieu of setting maximum achievable control technology requirements for power plants;
- Expeditiously replace CAIR with a multi-pollutant rule that will fully protect public health by providing the emission reductions needed from the power sector to bring the entire nation into attainment with all applicable national ambient air quality standards (NAAQS) for ozone and particulates within the timeframes required by the CAA;
- Take immediate action under the existing CAA to address climate change and also reduce emissions of ozone and other criteria pollutants, including: (1) grant the California greenhouse gas waiver; (2) issue an affirmative endangerment finding for regulating greenhouse gases; and (3) propose carbon dioxide standards for motor vehicles; and
- Restore adequate funding for state air quality programs, including support for a comprehensive pollutant monitoring network and reinstatement of the regional planning organizations as providers of high quality technical work.

To develop and strengthen the federal-state partnership, the OTC also proposes that we engage with your Administration in a regular dialogue on air quality issues. These discussions will include potential longer-term actions, beyond the 100 days agenda outlined above. One issue of particular concern is the need for federal leadership in developing a



national control program that fully addresses the problem of transported air pollution. Other issues that should be taken up in the first year of the new administration include the development of a framework for multi-pollutant air quality planning; restoring EPA's reliance on sound science with full participation of the Clean Air Science Advisory Committee (CASAC) in an open and transparent NAAQS review process; and recognition of the significant co-benefits of emission reductions for multi-pollutants achieved from policies that promote energy efficiency and renewable energy."

Our states look forward to collaborating with the new administration to address the air pollution issues that continue to pose a danger to our public and environmental health. We stand ready to work with you as you forge a new direction for the country.

Sincerely,

Jared Snyder, Chair  
Assistant Commissioner  
New York Department of  
Environmental Conservation

Shari Wilson, Vice Chair  
Secretary  
Maryland Department of the  
Environment

Laurie Burt, Secretary/Treasurer  
Commissioner  
Massachusetts Department of  
Environmental Protection

cc: Robert Sussman  
Lisa Jackson  
Cecilia Estolano