

The attached letter was sent to the following addressees:

The Honorable Martha Coakley  
Attorney General of Massachusetts  
1 Ashburton Place  
Boston, MA 02108-1698

The Honorable Edmund G. Brown, Jr.  
Attorney General of California  
1300 I Street, Suite 1740  
Sacramento, CA 95814

The Honorable Richard Blumenthal  
Attorney General of Connecticut  
55 Elm Street  
Harford, CT 06141-0120

The Honorable Thomas J. Miller  
Attorney General of Iowa  
Hoover State Office Building  
1305 E. Walnut  
Des Moines, IA 50319

The Honorable Joseph R. Biden, III  
Attorney General of Delaware  
Carvel State Office Building  
820 N. French Street  
Wilmington, DE 19801

The Honorable G. Steven Rowe  
Attorney General of Maine  
6 State House Station  
Augusta, ME 04333

The Honorable Douglas F. Gansler  
Attorney General of Maryland  
200 St. Paul Place  
Baltimore, MD 21202-2202

The Honorable Stuart Rabner  
Attorney General of New Jersey  
Richard J. Hughes Justice Complex  
25 Market Street, CN 080  
Trenton, NJ 08625

The Honorable Gary K. King  
Attorney General of New Mexico  
P.O. Drawer 1508  
Sante Fe, NM 87504-1508

The Honorable Hardy Myers  
Attorney General of Oregon  
Justice Building  
1162 Court Street, NE  
Salem, OR 97301

The Honorable William H. Sorrell  
Attorney General of Vermont  
109 State Street  
Montpelier, VT 05609-1001

The Honorable Lori Swanson  
Attorney General of Minnesota  
State Capitol, Suite 102  
St. Paul, MN 55155

The Honorable Patrick C. Lynch  
Attorney General of Rhode Island  
150 S. Main Street  
Providence, RI 02903

The Honorable Andrew M. Cuomo  
Attorney General of New York  
Department of Law- The Capitol, 2nd Floor  
Albany, NY 12224

Mr. Michael A. Cardozo  
Corporate Counsel  
City of New York Law Department  
100 Church Street  
New York, NY 10007

HENRY A. WAXMAN, CALIFORNIA  
EDWARD J. MARKEY, MASSACHUSETTS  
RICK BOUCHER, VIRGINIA  
EDOLPHUS TOWNS, NEW YORK  
FRANK PALLONE, JR., NEW JERSEY  
BART GORDON, TENNESSEE  
BOBBY L. RUSH, ILLINOIS  
ANNA G. ESHOO, CALIFORNIA  
BART STUPAK, MICHIGAN  
ELIOT L. ENGEL, NEW YORK  
ALBERT R. WYNN, MARYLAND  
GENE GREEN, TEXAS  
DIANA DEGETTE, COLORADO  
VICE CHAIRMAN  
LOIS CAPPS, CALIFORNIA  
MIKE DOYLE, PENNSYLVANIA  
JANE HARMAN, CALIFORNIA  
TOM ALLEN, MAINE  
JAN SCHAKOWSKY, ILLINOIS  
HILDA L. SOLIS, CALIFORNIA  
CHARLES A. GONZALEZ, TEXAS  
JAY INSLEE, WASHINGTON  
TAMMY BALDWIN, WISCONSIN  
MIKE ROSS, ARKANSAS  
DARLENE HOOLEY, OREGON  
ANTHONY D. WEINER, NEW YORK  
JIM MATHESON, UTAH  
G.K. BUTTERFIELD, NORTH CAROLINA  
CHARLIE MELANCON, LOUISIANA  
JOHN BARROW, GEORGIA  
BARON P. HILL, INDIANA

DENNIS B. FITZGIBBONS, CHIEF OF STAFF  
GREGG A. ROTHSCHILD, CHIEF COUNSEL

ONE HUNDRED TENTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

JOHN D. DINGELL, MICHIGAN  
CHAIRMAN

June 7, 2007

JOE BARTON, TEXAS  
RANKING MEMBER  
RALPH M. HALL, TEXAS  
J. DENNIS HASTERT, ILLINOIS  
FRED UPTON, MICHIGAN  
CLIFF STEARNS, FLORIDA  
NATHAN DEAL, GEORGIA  
ED WHITFIELD, KENTUCKY  
BARBARA CUBIN, WYOMING  
JOHN SHIMKUS, ILLINOIS  
HEATHER WILSON, NEW MEXICO  
JOHN B. SHADEGG, ARIZONA  
CHARLES W. "CHIP" PICKERING, MISSISSIPPI  
VITO FOSSELLA, NEW YORK  
STEVE BUYER, INDIANA  
GEORGE HADANOVICH, CALIFORNIA  
JOSEPH R. PITTS, PENNSYLVANIA  
MARY BONO, CALIFORNIA  
GREG WALDEN, OREGON  
LEE TERRY, NEBRASKA  
MIKE FERGUSON, NEW JERSEY  
MIKE ROGERS, MICHIGAN  
SUE MYRICK, NORTH CAROLINA  
JOHN SULLIVAN, OKLAHOMA  
TIM MURPHY, PENNSYLVANIA  
MICHAEL C. BURGESS, TEXAS  
MARSHA BLACKBURN, TENNESSEE

Dear :

Thank you for your letter concerning the June 1 staff discussion draft of energy legislation.

Your letter contains a number of factual inaccuracies and would have benefited from a careful and close reading of the statutory language.

First, the draft does not eliminate the authority that the Clean Air Act provides to the Environmental Protection Agency (EPA) to regulate greenhouse gas emissions. The legislation would allow EPA to issue regulations with respect to greenhouse gases in all areas but one: greenhouse gases from motor vehicles.

In that regard, the legislation would strengthen and expand an existing Federal program that effectively regulates CO2 emissions from motor vehicles. It would require a minimum increase in Corporate Average Fuel Economy (CAFE) standards of 30 to 35 percent.

This program has been in effect for more than 30 years.

This is not a case of a new Federal program supplanting existing State programs. No State has a motor vehicle greenhouse gas regime that is in effect, requiring actual reductions, today.

Second, with respect to Section 177, the legislation would have absolutely no effect on the authority of California and other States to adopt their own requirements for tailpipe emissions of criteria pollutants such as carbon monoxide and nitrogen oxide, among others, that contribute to ozone, fine particle, or other pollution. In fact, these authorities would be preserved. When it

enacted the Clean Air Act in 1970, Congress made a special exception for the State of California. To address its exceptionally poor local air quality, California adopted motor vehicle pollution standards prior to passage of the Federal Clean Air Act. In 1990, Congress passed amendments to the Clean Air Act allowing other States to adopt California's standards (the Section 177 to which you refer). This was in response to specific problems certain other States were having with local air pollution. The Congress has also explicitly recognized the burden that would be placed on interstate commerce if multiple States adopted their own motor vehicle air pollution standards in addition to the Federal standards. Thus, States have been allowed to adopt the California standards or the Federal standards, but have not been allowed to establish their own. This is not changed a bit by the staff discussion draft legislation.

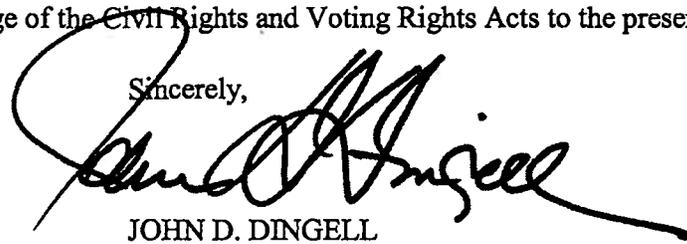
Longstanding Congressional concerns about the burden that would be placed on auto manufacturers selling cars across the country if they were forced to comply with regulations from multiple authorities were also expressed when Congress established the CAFE program in 1975. Congress decided that the Department of Transportation should be the only regulator of fuel economy. For more than 32 years, CAFE has the distinction of being the only effective constraint on greenhouse gas emissions throughout the entire economy.

The draft legislation also establishes several other new requirements. It would require for the first time that automakers report the lifetime carbon footprint of their vehicles to EPA. It requires EPA to establish a first-ever low carbon fuels standard. And it preserves the ability of the States and EPA to regulate CO2 emissions from stationary sources.

With respect to greenhouse gas emissions, we find ourselves today in a very different position than in 1970 when we first enacted the Clean Air Act. First, as a result of the Supreme Court's interpretation of the Clean Air Act, we now have two Federal regulatory schemes assigning two different Federal agencies authority using two different standards to regulate essentially the same thing – fuel efficiency and greenhouse gas emissions. Second, unlike local air pollution which can be cleaned up by requiring cleaner cars to be sold in that area, climate change is a much larger problem that must be addressed nationally and internationally.

To that end, we are not discussing whether to regulate greenhouse gases, but how best to do so. I have not come to final decisions on many of the matters associated with these issues, and appreciate your thoughts and comments as we move forward on legislation. As we proceed, I will be very mindful of the proper balance between State and Federal authorities, as I have throughout my career, from passage of the Civil Rights and Voting Rights Acts to the present.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "John D. Dingell". The signature is written over the word "Sincerely," and extends across the width of the page.

JOHN D. DINGELL  
CHAIRMAN