

**Environmental Council of the States (ECOS)
Recommendations on Clean Air and Climate Programs
for Obama Transition Team**

December 15, 2008

CAIR/SIPs

In September 2008, CAIR states achieved consensus support for a legislative fix that would:

1. Restore CAIR Phase I as a temporary interim measure;
2. Protect State's rights under CAA Section 126; and
3. Require EPA to work with States to develop a multi-pollutant framework to meet both the 1997 and revised ozone and PM_{2.5} NAAQS.

Many States relied on CAIR in their SIPs. EPA should work with the States to avoid the imposition of sanctions attributable to the vacatur of CAIR.

EPA should ensure that its SIP review process applies consistent standards across all regions.

EPA should develop implementation guidance for the NAAQS.

National Climate Plan

ECOS supports a partnership among the states, Congress and Executive Branch to design and implement a strong national GHG reduction plan.

ECOS supports states' rights to develop standards above and beyond any federal requirements for GHG emissions reductions in any sector (including transportation).

For example, federal action should preserve the value of RGGI credits.

ECOS supports directing a substantial portion of any revenues generated by a federal GHG emissions program to the states for energy efficiency or other GHG emissions reduction initiatives.

ECOS supports adequate funding for states' roles in implementing GHG emissions reduction legislation or regulations.

Many states are providing comments to EPA on its ANPRM for regulating GHG.

CA Waiver

When state standards meet the criteria of CAA Section 209, EPA has an obligation to allow the standards to proceed.

GHG Reporting

ECOS supports the use of The Climate Registry's reporting protocols and platforms as a basis for developing federal GHG emissions reporting standards, ensuring that the federal program is functionally equivalent to and compatible with The Climate Registry's structures and protocols.

ECOS supports EPA using The Climate Registry, as appropriate, as a partner to collect data for the federal program.

CAMR

EPA should expeditiously establish mercury emission performance standards for EGUs pursuant to CAA Section 112.

EPA should consider performance standards already adopted by states when setting national MACT performance standards.

EPA should recognize the rights of states to impose mercury requirements that are more stringent than the federal rule.

EPA should restore the Part 75 Mercury Monitoring Provisions of CAMR.

Multi-Pollutant Strategies

EPA should develop integrated, multi-pollutant air plans and regulations including stronger federal standards on mobile sources.

EPA should support development of integrated, multi-pollutant SIPs.

EPA should consider multi-pollutant strategies at the same time it regulates mercury from EGUs.

Regional Attainment Tools & Measures

EPA should develop tools and measures to facilitate regional attainment of air standards, including adequate monitoring and expansion of networks where needed (lead and PM_{2.5}).

NAAQS Review Process

EPA should reinstate the public release of the EPA Staff Paper.

ECOS supports the role of CASAC in the NAAQS review process.

Sustainable Energy Policy

ECOS supports the development of clean technologies, including next generation coal technologies with sequestration.

ECOS supports the promotion of energy efficiency, energy conservation and renewable energy, instead of relying on after-the-fact emission controls.

Diesel Emissions

ECOS supports strong funding for the Diesel Emissions Reduction Program in FY09 and FY10.

Funding for this program should be separate from and should not reduce STAG funds.

Transportation/CMAQ

ECOS supports continued authorization and funding of CMAQ.

States should have a concurrence role in selecting CMAQ funded projects.

Budget

EPA should fully fund state air programs, recognizing that states perform the vast majority of day-to-day work implementing federal air programs.

Whenever EPA adds to states' responsibilities, it should provide additional grant funding.

EPA should commit to additional funding for air research (including funding for Quality Assurance Project Plans to help ensure quality data for use by states).