



February 18, 2009

Connecticut

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Delaware

District of Columbia

Maine

Dear Administrator Jackson:

Maryland

The members of the Ozone Transport Commission (OTC) extend our heartfelt congratulations on your appointment as Administrator of the U.S. Environmental Protection Agency (EPA). OTC fully supports the position of this administration, under President 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 EPA, under your leadership, 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 goals. To begin this collaboration, we request a meeting with you and your senior managers in EPA's Office of Air and Radiation (OAR) to discuss key actions that EPA can take to advance these goals.

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

We are pleased that you are placing a high priority on achieving the substantial improvements in air quality that are needed to protect public health, and wish to work closely with EPA toward that goal. We also applaud the emphasis that you and President Obama have placed on vigorous measures to address climate change. To develop and strengthen the federal-state partnership, the OTC proposes that we engage with your Administration in a regular dialogue on air quality issues. Attached, you will find a letter sent by OTC to the Obama transition team that outlines the climate and air quality priorities of the OTC, as well as several suggestions of specific actions that EPA could undertake that would produce tangible environmental results. We commend you for taking steps already to address the California greenhouse gas waiver and to abandon the prior administration's misguided and unlawful approach to regulation of power plant mercury emissions.

Rhode Island

Vermont

Virginia

Anna Garcia
Executive Director

444 N. Capitol St. NW
Suite 638
Washington, DC 20001
(202) 508-3840
FAX (202) 508-3841
Email: ozone@otcair.org

The OTC states look forward to collaborating with you to address the air pollution issues that continue to pose a danger to our public and environmental health. OTC's Executive Director, Anna Garcia, will contact your staff to arrange an initial meeting. We stand ready to work with you as your forge a new direction for protection of air quality.

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



November 21, 2008

Connecticut

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

Delaware

District of Columbia

Maine

Dear Mr. Hayes:

Maryland

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.

Massachusetts

New Hampshire

New Jersey

New York

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.

Pennsylvania

Rhode Island

Vermont

Virginia

Anna Garcia
Executive Director

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

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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:

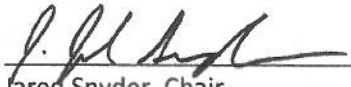
- Reverse the significant roll-back of environmental protection that has resulted from rules adopted by the Bush Administration, including changes to new source review and prevention of significant deterioration rules, and the adoption of a cap-and-trade program for mercury emissions in lieu of setting 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