

Select Federal Climate Initiatives

From U.S.EPA website

Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act

On April 2, 2007, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act. The Court held that the Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the Administrator is required to follow the language of section 202(a) of the Clean Air Act. The Supreme Court decision resulted from a petition for rulemaking under section 202(a) filed by more than a dozen environmental, renewable energy, and other organizations.

The Administrator signed a proposal with two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act:

- The Administrator is proposing to find that the current and projected concentrations of the mix of six key greenhouse gases—carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)—in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the endangerment finding.
- The Administrator is further proposing to find that the combined emissions of CO₂, CH₄, N₂O, and HFCs from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these key greenhouse gases and hence to the threat of climate change. This is referred to as the cause or contribute finding.

This proposed action, as well as any final action in the future, would not itself impose any requirements on industry or other entities. An endangerment finding under one provision of the Clean Air Act would not by itself automatically trigger regulation under the entire Act.

The Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act was signed on April 17, 2009. On April 24, 2009, the proposed rule was published in the Federal Register (www.regulations.gov) under Docket ID No. EPA-HQ-OAR-2009-0171:

- [Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act \(PDF\)](#) (26 pp, 368KB, [About PDF](#))

EPA's Proposed Mandatory Greenhouse Gas Reporting Rule

The U.S. Environmental Protection Agency (EPA) issued a proposed rule for mandatory greenhouse gas (GHG) reporting from large GHG emissions sources in the United States. The proposed rule has been published in the Federal Register.¹ EPA developed the proposed rule that would require mandatory reporting of GHGs from large emissions sources in the United States, as required by the FY2008 Consolidated Appropriations Act. This is a reporting rule to collect accurate and comprehensive emissions data to inform future policy decisions.

In general, the proposed rule calls for suppliers of fossil fuels or industrial greenhouse gases, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more of GHG emissions per year to submit annual reports to EPA. The proposed threshold for reporting is generally 25,000 metric tons or more of carbon dioxide (CO₂) equivalent per year with 85-90% of total national U.S. GHG emissions, from approximately 13,000 facilities, covered by the proposed rule. The first annual report would be submitted to EPA in 2011, for the calendar year 2010, except for vehicle and engine manufacturers, which would begin reporting for model year 2011. Most small businesses would fall below the 25,000 metric ton threshold and would not be required to report GHG emissions to EPA. In addition, most emission sources from the agriculture sector would not be required to report emissions, except for fewer than 50 very large manure management systems EPA modeled that meet the threshold. EPA would be responsible for verifying the data.

EPA estimates the average cost of reporting under this proposed rule would be approximately \$0.04 per metric ton. Reporting methods for the proposed rule were built extensively upon existing GHG reporting programs and guidance documents.

¹ Found at: <http://edocket.access.gpo.gov/2009/pdf/E9-5711.pdf>
Version May 6, 2009

From Congressman Markey's website

Waxman-Markey - The American Clean Energy and Security Act of 2009 (ACES) policy

The American Clean Energy and Security Act ... has four titles:

- A clean energy title that promotes renewable sources of energy, carbon capture and sequestration technologies, low-carbon fuels, clean electric vehicles, and the smart grid and electricity transmission;
- An energy efficiency title that increases energy efficiency across all sectors of the economy, including buildings, appliances, transportation, and industry;
- A global warming title that places limits on emissions of heat-trapping pollutants; and
- A transitioning title that protects U.S. consumers and industry and promotes green jobs during the transition to a clean energy economy.

The Energy and Commerce Committee will complete consideration of the legislation by Memorial Day. The preliminary schedule follows:

- Week of April 20: Energy and Environment Subcommittee Hearings
- Week of April 27: Energy and Environment Subcommittee Markup Period Begins
- Week of May 11: Full Energy and Commerce Committee Markup Period Begins”