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CREATOR: Kenneth L. Peel (CN=Kenneth L. Peel/OU=CEQ/O=EOP [CEQ])

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SUBJECT:: State Attorneys General climate letter

TO: Deb_Fiddelke@hagel.senate.gov @ inet (Deb_Fiddelke@hagel.senate.gov @ inet [UNK

READ: UNKNOWN

TEXT:

Deb, attached is the joint letter from 11 States Attorneys General on GHG regulation, in case you haven't seen it yet.

Ken===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

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\par of the Following States:

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\par Alaska \b7 California \b7 Connecticut \b7 Maine \b7 Maryland \b7 Massachusetts

\par New Hampshire \b7 New Jersey \b7 New York \b7 Rhode Island \b7 Vermont

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\par VIA FACSIMILE AND U.S. MAIL

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\par {\f36\fs24\insrsid10947640 The Honorable George W. Bush

\par The White House

\par 1600 Pennsylvania Avenue

\par Washington, D.C. 20500

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\par Dear President Bush:

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. We applaud the efforts of your Administration in the release this May of a formal, comprehensive report that details the seriousness of this problem. {\i\fs24\insrsid10947640 U.S. Climate Action Report 2002}{\fs24\insrsid10947640}, U.S. Dept. of State, Washington, D.C., May 2002 (\'93{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 \'94}). Unfortunately, however, the Administration\rquote s current policy is inconsistent with the import of the {\i\fs24\insrsid10947640 Report\rquote s }{\fs24\insrsid10947640 findings}{\i\fs24\insrsid10947640 }{\fs24\insrsid10947640 by failing to mandate reductions of greenhouse gas emission s. To fill this regulatory void, states and others are being forced to rely o n their a

available legal mechanisms. The resulting combination of state-by-state regulations and litigation will necessarily lessen regulatory certainty and increase the ultimate costs of addressing climate change, thereby making the purported goals of the Administration's current policy illusory. For these reasons, we write today to urge you to reconsider your position on the regulation of greenhouse gases and to adopt a comprehensive policy that will protect both our citizens and our economy.

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documents ongoing climate change that will cause significant impacts on virtually every aspect of our planet and way of life. We already see the signs of such change everywhere. Some are dramatic, such as the

recent collapse of a portion of the Antarctic ice shelf the size of Rhode Island, the open water at the North Pole, or millions of acres of spruce trees in Alaska killed by insects. Others are less overt, but are also powerful statements of the enormity

and pervasiveness of the problem. The }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 is replete with examples. For instance, the }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640

documents that average temperatures have already increased 1 degree Fahrenheit over the past century, and it projects that over the next century, average tem-

peratures will likely increase 5-9 degrees Fahrenheit. Increased temperatures will dramatically change climates in every state and destroy some fragile ecosystems. The }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640

also documents that sea levels have already risen 4-8 inches over the last cen-

tury, and it projects that they will likely rise another 4-35 inches over the next. Rising sea levels will cause more flooding along the coast and it will obliterate vital estuaries, coastal wetlands and barrier islands. While some are as will face incre-

ased storms and storm damage, other areas – such as California and other parts of the West – will face dwindling supplies of water. Of perhaps the most concern, the }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640

documents potential health-related impacts of climate change, and a just-published study in the journal }{\i\fs24\insrsid10947640 Science}{\fs24\insrsid10947640 warns of increased risks from insect-borne diseases such as malaria and yellow fever. }{

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makes it clear that the question of whether global climate change is occurring is no longer in doubt, only the precise rate of change and the specific impacts of that change. It also repeatedly acknowledges that the dominant cause of climate change is carbon dioxide produced from the combustion of fossil fuels. Notably, the }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 projects that greenhouse gas emissions will increase by 43% by 2020. }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 at 6. It also notes \'93

the long lifetimes of greenhouse gases already in the atmosphere and the momentum of the climate system.\'94 }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 at 82. According to the }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640

, this means that impacts of climate change will continue to be felt for several centuries, \'93even after achieving significant limitation in emissions of CO }{\fs24\sub\insrsid10947640 2}{\fs24\insrsid10947640 and other greenhouse gases.\'94 }

\i\fs24\insrsid10947640 See}{\fs24\insrsid10947640 }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 at 103. The evidence marshaled in the }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640

refutes its own counsel of inaction and delivers a different message: an effective response to the confirmed dangers of global climate change must include immediate action to limit greenhouse gas emissions.

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\par }{\fs24\ul\insrsid10947640 The Existing Administration Proposal is Inadequate and Increases Uncertainty}{\fs24\insrsid10947640

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\par }\\pard \ql \fi720\li0\ri0\nowidctlpar\faauto\rin0\lin0\itap0 {\fs24\insrsid10947640 While we are certainly heartened that the United States has now officially recognized the existence and scope of the climate change problem, the Administration has yet to propose a credible plan that is consistent with the dire findings and conclusions being reported. The Administration\rquote

s one proposal calls for a voluntary reduction of greenhouse gas \'93intensity\'94 at roughly the same pace such reductions have occurred over the last 20 years. The }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640

itself strongly suggests that such voluntary reductions will be grossly overshadowed by existing atmospheric gases and, combined with ongoing and increasing emissions, will actually allow the problem to continue to worsen. In light of this, the }{

\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 implicitly calls this policy approach into question. }{\i\fs24\insrsid10947640 See Report}{\fs24\insrsid10947640 , at 50-51 (stating that there is \'93a

need to re-evaluate existing climate change programs to ensure they effectively meet future economic, climate, and other environmental goals\'94).

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\par \\sect }\\sectd \\sbknone\\linex0\\headery1440\\footery1440\\sectdefaultcl\\sftnbj\\saftnnar \\pard\\plain \ql \fi720\li0\ri0\nowidctlpar\faauto\rin0\lin0\itap0 \fs20\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 {\fs24\insrsid10947640 Despite conceding that our consumption of fossil fuels is causing serious damage and despite implying that current policy is inadequate, the }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640

fails to take the next step and recommend serious alternatives. Rather, it suggests that we simply need to accommodate to the coming changes. For example, reminiscent of former Interior Secretary Hodel\rquote s proposal that the government address the hole in the ozone layer by encouraging Americans

to make better use of sunglasses, suntan lotion and broad-brimmed hats, the }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 suggests that we can deal with heat-related health impacts by increased use of

air-conditioning. }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 at 82. Far from proposing solutions to the climate change problem, the Administration has been adopting energy policies that would actually }{\i\fs24\insrsid10947640 increase}{\fs24\insrsid10947640 greenhouse gas emissions. Notably, even as the }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 identifies increased air conditioner use as one of the '\93solutions'\94 to climate change impacts, the Department of Energy has decided to roll back energy efficiency standards for air conditioners.

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\par }\pard \ql \fi720\li0\ri0\nowidctlpar\faauto\rin0\lin0\itap0 {\fs24\insrsid10947640 To fill the void left by federal inaction on this issue, some states are now initiating measures,

within their borders, to reduce greenhouse gas emissions. For example, Massachusetts last year adopted state regulations requiring carbon dioxide reductions by power plants, and

\par }\pard \ql \li0\ri0\nowidctlpar\faauto\rin0\lin0\itap0 {\fs24\insrsid10947640 New Hampshire recently enacted '\93cap and trade'\94 legislation. }{\f6\fs24\insrsid10947640 California\rquote s legislature has just passed a bill that will lead to the '\93

maximum feasible'\94 reductions of }{\fs24\insrsid10947640 carbon dioxide emissions from vehicles. New York is also considering a carbon cap. Continued federal inaction will inevitably lead to a wider range of state regulatory efforts. In addition, states and others are beginning to review their litigation options.

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\par Only Mandatory Federal Carbon Caps of Appropriate Levels Can Provide Regulatory Certainty

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this issue. At the same time, however, we want to make it clear that state-by-state action is not our preferred option. We believe that such regulation or litigation will increase the uncertainty facing the business community, thus potentially making th

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most cost-effective solutions more difficult. Moreover, we agree that the global nature of the climate change problem would be most efficiently addressed by comprehensive regulatory action at the national level. A recent Department of Energy Report

concluded that the United States could address carbon dioxide emissions issues with minimal disruption of energy supply and at modest cost, but }{\fs24\ul\insrsid10947640 only}{\fs24\insrsid10947640 with fully integrated planning. }{\i\fs24\insrsid10947640 See}{\fs24\insrsid10947640 Energy Information Administration, Office of Integrated Analysis and Forecasting, US Department of Energy, '\93

Analysis of Strategies for Reducing Multiple Emissions from Electric Power Plants with Advanced Technology Scenarios, '\94 SR/OIAF/2001-05 (October 2001). This integrated planning can only come with regulatory certainty.

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In particular, we believe that a market-based program that would cap greenhouse gases holds great promise. Such an approach has a proven track record as one effective tool in the regulatory toolbox, as you have noted in other contexts.

We strongly belie

ve that prompt implementation of a market-based approach that caps greenhouse g as emissions would promote significant benefits for public health, welfare and the environment in a manner that would be consistent with strong economic policies.

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\i\fs24\insrsid10947640 Report\rquote s {\fs24\insrsid10947640 findings, however, we urge you now to rethink the Administration\rquote s policy response to the problem. While individual states are prepared to lead the way, we believe that a strong national approach will allow for more efficient solutions that will better protect the American economy in the long run. Please do not hesitate to contact us on this critical issue.

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\par Alaska Attorney General

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\par Vermont Attorney General}{\fs24\insrsid10947640
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\par cc. Christine Todd Whitman, EPA
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\par Alaska \b7 California \b7 Connecticut \b7 Maine \b7 Maryland \b7 Massachusetts
\par New Hampshire \b7 New Jersey \b7 New York \b7 Rhode Island \b7 Vermont
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\par VIA FACSIMILE AND U.S. MAIL
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\par }{\\f36\\fs24\\insrsid10947640 The Honorable George W. Bush
\par The White House
\par 1600 Pennsylvania Avenue
\par Washington, D.C. 20500
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\par }\\pard \\ql \\fi720\\li0\\ri0\\nowidctlpar\\faauto\\rin0\\lin0\\itap0 {\\fs24\\insrsid10947640 Re: Climate Change
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\par Dear President Bush:
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\par }\\pard \\ql \\fi720\\li0\\ri0\\nowidctlpar\\faauto\\rin0\\lin0\\itap0 {\\fs24\\insrsid10947640 Climate change presents the most pressing environmental challenge of the 21}{\\fs24\\super\\insrsid10947640 st}{\\fs24\\insrsid10947640 century
. We applaud the efforts of your Administration in the release this May of a formal, comprehensive report that details the seriousness of this problem. }{\\i\\fs24\\insrsid10947640 U.S. Climate Action Report 2002}{\\fs24\\insrsid10947640, U.S. Dept. of State, Washington, D.C., May 2002 ('93)}{\\i\\fs24\\insrsid10947640 0 Report}{\\fs24\\insrsid10947640 '94}. Unfortunately, however, the Administration\\rquote s current policy is inconsistent with the import of the }{\\i\\fs24\\insrsid10947640 Report\\rquote s }{\\fs24\\insrsid10947640 findings}{\\i\\fs24\\insrsid10947640 }{\\fs24\\insrsid10947640 by failing to mandate reductions of greenhouse gas emissions. To fill this regulatory void, states and others are being forced to rely on their available legal mechanisms. The resulting combination of state-by-state regulations and litigation will necessarily lessen regulatory certainty and increase the ultimate costs of addressing climate change, thereby making the purported goals of the Administration\\rquote s current policy illusory. For these reasons, we write today to urge you to reconsider your position on the regulation of greenhouse gases and to adopt a comprehensive policy that will protect both our citizens and our economy.
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\par }{\\fs24\\ul\\insrsid10947640 The }{\\i\\fs24\\ul\\insrsid10947640 Report}{\\fs24\\ul\\insrsid10947640 Documents the Need for Dramatic Action
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 documents ongoing climate change that will cause significant impacts on virtua
 lly every aspect of our planet and way of life. We already see the signs of su
 ch change everywhere. Some are dramatic, such as th
 e recent collapse of a portion of the Antarctic ice shelf the size of Rhode Isl
 and, the open water at the North Pole, or millions of acres of spruce trees in
 Alaska killed by insects. Others are less overt, but are also powerful stateme
 nts of the enormi
 ty and pervasiveness of the problem. The {\i\fs24\insrsid10947640 Report }{\fs
 24\insrsid10947640 is replete with examples. For instance, the {\i\fs24\insrs
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 documents that average temperatures have already increased 1 degree Fahrenheit
 over the past century, and it projects that over the next century, average tem
 peratures will likely increase 5-9 degrees Fahrenheit. Increased temperatures
 will dramatically change climates in every state and destroy some fragile ecosy
 stems. The {\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640
 also documents that sea levels have already risen 4-8 inches over the last cen
 tury, and it projects that they will likely rise another 4-35 inches over the n
 ext. Rising sea levels will cause more flooding along the coast and it will ob
 literate vital estuaries, coastal wetlands and barrier islands. While some are
 as will face incre
 ased storms and storm damage, other areas – such as California and other
 parts of the West – will face dwindling supplies of water. Of perhaps
 the most concern, the {\i\fs24\insrsid10947640 Report }{\fs24\insrsid10947640
 documents potential health-related impacts of climate change, and a just-publis
 hed study in the journal {\i\fs24\insrsid10947640 Science}{\fs24\insrsid109476
 40 warns of increased risks from insect-borne diseases such as malaria and yel
 low fever. }{
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 makes it clear that the question of whether global climate change is occurring
 is no longer in doubt, only the precise rate of c
 hange and the specific impacts of that change. It also repeatedly acknowledges
 that the dominant cause of climate change is carbon dioxide produced from the
 combustion of fossil fuels. Notably, the {\i\fs24\insrsid10947640 Report}{
 \fs24\insrsid10947640 projects that greenhouse gas emissions will increase by
 43% by 2020. }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 at 6. I
 t also notes \'93
 the long lifetimes of greenhouse gases already in the atmosphere and the moment
 um of the climate system.\'94 }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid1
 0947640 at 82. According to the }{\i\fs24\insrsid10947640 Report}{\fs24\insrs
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 , this means that impacts of climate change will continue to be felt for severa
 l centuries, \'93even after achieving significant limitation in emissions of CO
 }{\fs24\sub\insrsid10947640 2}{\fs24\insrsid10947640 and other greenhouse gase
 s.\'94 }{
 \i\fs24\insrsid10947640 See}{\fs24\insrsid10947640 }{\i\fs24\insrsid10947640 R
 eport}{\fs24\insrsid10947640 at 103. The evidence marshaled in the }{\i\fs24\insrs
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refutes its own counsel of inaction and delivers a different message: an effective response to the confirmed dangers of global climate change must include immediate action to limit greenhouse gas emissions.

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\par }{\fs24\ul\insrsid10947640 The Existing Administration Proposal is Inadequate and Increases Uncertainty}{\fs24\insrsid10947640

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s one proposal calls for a voluntary reduction of greenhouse gas \'93intensity\'94 at roughly the same pace such reductions have occurred over the last 20 years. The }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640

itself strongly suggests that such voluntary reductions will be grossly overshadowed by existing atmospheric gases and, combined with ongoing and increasing emissions, will actually allow the problem to continue to worsen. In light of this, the }{

\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 implicitly calls this policy approach into question. }{\i\fs24\insrsid10947640 See Report}{\fs24\insrsid10947640 , at 50-51 (stating that there is \'93a

need to re-evaluate existing climate change programs to ensure they effectively meet future economic, climate, and other environmental goals\'94).

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fails to take the next step and recommend serious alternatives. Rather, it suggests that we simply need to accommodate to the coming changes. For example, reminiscent of former Interior Secretary Hodel\rquote s proposal that the government address the hole in the ozone layer by encouraging Americans

to make better use of sunglasses, suntan lotion and broad-brimmed hats, the }{

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suggests that we can deal with heat-related health impacts by increased use of air-conditioning. }{\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640

at 82. Far from proposing solutions to the climate change problem, the Administration has been adopting energy policies that would actually }{\i\fs24\insrsid10947640 increase}{\fs24\insrsid10947640 greenhouse gas emissions. Notably, even as the }{

\i\fs24\insrsid10947640 Report}{\fs24\insrsid10947640 identifies increased air conditioner use as one of the \'93solutions\'94 to climate change impacts, the Department of Energy has decided to roll back energy efficiency standards for air conditioners.

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\par }\pard \ql \fi720\li0\ri0\nowidctlpar\faauto\rin0\lin0\itap0 {\fs24\insrsid10947640 To fill the void left by federal inaction on this issue, some states are now initiating measures,

within their borders, to reduce greenhouse gas emissions. For example, Massachusetts last year adopted state regulations requiring carbon dioxide reductions by power plants, and

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640 New Hampshire recently enacted '93cap and trade'94 legislation. }{\f6\fs 24\insrsid10947640 California's legislature has just passed a bill that will lead to the '93 maximum feasible'94 reductions of }{\fs24\insrsid10947640 carbon dioxide emissions from vehicles. New York is also considering a carbon cap. Continued federal inaction will inevitably lead to a wider range of state regulatory efforts. In addition, states and others are beginning to review their litigation options.

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\par Only Mandatory Federal Carbon Caps of Appropriate Levels Can Provide Regulatory Certainty

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this issue. At the same time, however, we want to make it clear that state-by-state action is not our preferred option. We believe that such regulation or litigation will increase the uncertainty facing the business community, thus potentially making the

most cost-effective solutions more difficult. Moreover, we agree that the global nature of the climate change problem would be most efficiently addressed by comprehensive regulatory action at the national level. A recent Department of Energy Report

concluded that the United States could address carbon dioxide emissions issues with minimal disruption of energy supply and at modest cost, but }{\fs24\ul\insrsid10947640 only}{\fs24\insrsid10947640 with fully integrated planning. }{ \i\fs24\insrsid10947640 See}{\fs24\insrsid10947640 Energy Information Administration, Office of Integrated Analysis and Forecasting, US Department of Energy, '93

Analysis of Strategies for Reducing Multiple Emissions from Electric Power Plants with Advanced Technology Scenarios, '94 SR/OIAF/2001-05 (October 2001). This integrated planning can only come with regulatory certainty.

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In particular, we believe that a market-based program that would cap greenhouse gases holds great promise. Such an approach has a proven track record as one effective tool in the regulatory toolbox, as you have noted in other contexts.

We strongly believe that prompt implementation of a market-based approach that caps greenhouse gases would promote significant benefits for public health, welfare and the environment in a manner that would be consistent with strong economic policies.

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}\i\fs24\insrsid10947640 Report's }{\fs24\insrsid10947640 findings, however, we urge you now to rethink the Administration's policy response to the problem. While

e individual states are prepared to lead the way, we believe that a strong national approach will allow for more efficient solutions that will better protect the American economy in the long run. Please do not hesitate to contact us on this critical issue.

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