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October 14, 2010

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

Re: Costs Estimates for Clean Air Act Regulations

Dear Administrator Jackson:

On September 28, 2010, the Congressional Budget Office (CBO) issued an economic outlook which projected that under current policies the U.S. unemployment rate will remain above 8 percent until 2012, and above 6 percent until 2014. The CBO also stated that, in addition to the millions of Americans officially unemployed, many others are underemployed or have left the labor force. Given these forecasts, we believe it critical that both the Administration and Congress scrutinize those governmental policies and actions that are negatively affecting economic growth and job creation.

In this regard, we write regarding the cumulative impacts of new regulations being proposed by the Environmental Protection Agency (EPA) under the Clean Air Act (CAA). We are concerned about the highly accelerated pace at which EPA is issuing complex and expensive regulatory proposals under the CAA; the ability of businesses to read, understand, and comment on the thousands of pages of proposed new rules before they are finalized by EPA; and the ability of the persons or entities regulated by the new rules to implement them at the rate at which they are being promulgated. We are also concerned about the billions of dollars in new costs, as well as the workability of a number of the proposed new rules. Finally, we are concerned the Administration is moving forward without fully considering the economic and job impacts of the new regulations. Just as appropriate implementation of the Clean Air Act is essential for protecting the public health, appropriate consideration of the economic and employment impacts of regulations under the Act is essential for protecting the nation's economic health.

To assist Congress and the public in understanding the extent of EPA's current rulemaking activity under the CAA, we have attached a chart which identifies approximately 40 proposed or final CAA regulations, including greenhouse gas regulations, revised air quality standards, and other regulatory proposals under the CAA, as well as many regulations in the pre-proposal stages. The chart includes EPA's own compliance cost estimates to the extent they are available. At least eight of the proposed or final rules included have compliance costs estimated by EPA to exceed $1 billion each. It appears that collectively the Administration's new or proposed CAA regulations could impose billions of dollars of additional new costs annually on U.S. businesses as the new rules are implemented by your agency.

To assist us in assessing the cumulative economic and job impacts of the recent and pending CAA regulations, we ask that you provide responses to the following questions:

1. Are the EPA compliance cost estimates included in the attached chart accurate? If not, for each estimate EPA believes is not accurate, please provide EPA's projected compliance cost.

2. Are there additional pending CAA regulations that are not included in the attached chart that EPA estimates will impose annual compliance costs of $100 million or more? If yes, please identify and provide the Federal Register docket number for each such regulation if available.

3. Are there any additional CAA regulations that are not included in the attached chart that EPA is currently considering initiating? If yes, please identify each of those potential CAA rulemakings, and indicate whether the rulemaking could impose new compliance costs, and whether the costs could be more than $100 million annually.

Please provide the written responses and documents requested by no later than two weeks from the date of this letter. Should you have any questions, please contact the Minority Committee staff at (202) 225-3641.

Sincerely,

Joe Barton
Ranking Member

Michael C. Burgess
Ranking Member
Subcommittee on Oversight and Investigations

Enclosure

cc: The Honorable Henry A. Waxman, Chairman

The Honorable Bart Stupak, Chairman
Subcommittee on Oversight and Investigations