



WASHINGTON
UPDATE

National Association of Clean Air Agencies
N A C A A

This Week in Review – September 24-28, 2012

(1) Congress Adopts Continuing Resolution to Fund Federal Government until March 2013 (September 22, 2012) – President Barack Obama is soon expected to sign H.J. Res. 117, a Continuing Resolution (CR) to extend federal funding at approximately current levels until March 27, 2013, which the Senate adopted on September 22, 2012 by a vote of 62-30. The House had approved the measure on September 13, 2012. The CR was necessary because Congress has not adopted a bill to fund the federal government after October 1, 2013, which is the start of FY 2013. The CR is consistent with the \$1.047-trillion discretionary cap included in debt-limit legislation adopted in August 2011. However, the debt limit bill contains levels higher than current levels, so the CR provides increases of 0.6 percent for most federal agencies. Since FY 2012 levels for Section 103 and 105 grants were \$235.7 million, if the 0.6 percent increase is provided to Section 103/105 grants, the CR amount would be \$237.1 million. To date, the House Appropriations Committee had approved all 12 FY 2013 spending bills and the full House adopted seven. In the Senate, while the Appropriations Committee had approved 11 of the 12 bills (but not the bill containing EPA's budget), the full Senate did not vote on any of the bills. See related article for recent Senate action related to EPA's budget. For further information: <http://thomas.loc.gov/home/approp/app13.html>

(2) Senate Appropriations Subcommittee Issues Recommended Funding Levels for EPA for FY 2013 (September 25, 2012) – The leadership of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies issued a bipartisan recommended bill that would fund several agencies and departments, including EPA in FY 2013. The bill calls for state and local air grants under Sections 103 and 105 to be funded at FY 2012 levels – \$235.7 million – which is \$65.8 million less than the President's request. Likewise, the Senate recommended level funding for programs under the Diesel Emissions Control Act (DERA) – \$30 million – which is \$15 million more than the President's request. The Senate bill also called for PM monitoring funds to remain under the authority of Section 103, rather than shifting them to Section 105, where state and local matching funds would be necessary. While Congress adopted a Continuing Resolution on September 22, 2012 to keep the government in operation after the start of the new fiscal year at roughly FY 2012 levels (see related article), it is expected that Congress will take up the issue of FY 2013 appropriations after the

election. With this proposal, the Senate has a recommendation from which to start negotiations with the House. The House Appropriations Committee had approved a bill in July 2012 calling for \$200.7 million for state and local air grants, representing a cut of 14.8 percent – or \$35 million – from the amount appropriated in FY 2012, and a reduction of over \$100 million from the President's FY 2013 budget request. For further information: <http://www.appropriations.senate.gov/news.cfm?method=news.view&id=fc23708b-fb33-4569-99b4-6cf0d0254457>, information about state and local air grants begins on page 65 of the bill language and page 25 of the table.

(3) Senate Passes Bill Barring U.S. Airline Participation in EU GHG Program (September 22, 2012) – The Senate passed by unanimous consent a bill that would bar U.S. airlines from participating in the European Union's (EU) program limiting greenhouse gas emissions from airlines landing in the EU, called the EU Emissions Trading System (ETS). The bill, S.1956, directs the Secretary of Transportation to prohibit any U.S. airline from participating in the EU ETS if he finds that such a prohibition is in the public interest. The Secretary is required to hold a public hearing before imposing such a prohibition. The bill provides that the Secretary may reassess this prohibition if reassessment would be in the public interest. He is also required to reassess the prohibition if the EU ETS is amended, the U.S. adopts a law to address aircraft emissions or if an international agreement is adopted dealing with aircraft emissions. The House, which passed similar legislation late last year, could consider the Senate language during the lame-duck session following the November presidential election. For further information: <http://hdl.loc.gov/loc.uscongress/legislation.112s1956>

(4) Congressional Research Service Projects that a Carbon Tax Could Halve Federal Deficit in Ten Years (September 25, 2012) – The Congressional Research Service (CRS) has issued a report examining the potential for a carbon tax to help address the federal budget deficit. The report notes that one study estimates that a \$20 tax per metric ton of carbon dioxide (CO₂) would generate approximately \$88 billion in 2012, rising to \$144 billion in 2020. Using the 2012 baseline projection of the Congressional Budget Office (CBO), the tax could reduce the 10-year budget deficit by 50 percent. The report examines the tradeoffs with decisions in how to allocate revenue from any carbon tax and in applying the tax or providing any exemptions. For further information: <http://www.fas.org/sqp/crs/misc/R42731.pdf>

(5) House Democrats Release Report Detailing the Links Between Climate Change and Extreme Weather Events (September 25, 2012) – Representatives Henry Waxman (D-CA), ranking member of the House Energy and Commerce Committee, and Ed Markey (D-CA), ranking member of the House Natural Resources Committee, released a report examining the scientific links between climate change and extreme weather events. The report explores the impacts of 2012's record breaking heat on agriculture, wildfires, storms and water levels. The report finds the links between extreme weather and climate to be "abundant, robust and well documented in peer-reviewed scientific studies." In a related

development, the World Resources Institute released a timeline of extreme weather events in 2012. For further information: http://democrats.naturalresources.house.gov/sites/democrats.naturalresources.house.gov/files/documents/2012-09-25_ExtremeWeather_.pdf and http://www.tiki-toki.com/timeline/entry/55279/Extreme-Weather-Climate-Events-2012/#!date=2012-09-02_08:37:35!

(6) NGO Issues Report Estimating Human and Economic Impacts of Climate Change (September 26, 2012) – DARA, a non-governmental organization (NGO) working to improve the effectiveness of foreign aid for vulnerable populations, released a report assessing the human and economic impacts of climate change. The report estimates that climate change causes 400,000 deaths on average each year at present, mainly due to hunger and communicable diseases that affect mostly children in developing countries. In addition, the report states that carbon-intensive energy system and related activities cause an estimated 4.5 million deaths each year linked to air pollution, hazardous occupations and cancer. Together, carbon economy- and climate change-related losses amounted to over \$1.2 trillion in 2010. For further information: <http://daraint.org/climate-vulnerability-monitor/climate-vulnerability-monitor-2012/report/>

(7) EPA Sued for Failure to Take Required Actions under Lead NAAQS (September 24, 2012) – The Center for Biological Diversity and the Center for Environmental Health filed a complaint for Declaratory and Injunctive Relief against EPA to compel the agency to undertake “overdue mandatory duties” regarding State Implementation Plans (SIPs) for the 2008 lead National Ambient Air Quality Standards (NAAQS). In particular, the plaintiffs allege that EPA has failed to 1) make findings of failure to submit, and publish a notice of those findings, for infrastructure SIPs from the states of Colorado, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, Oklahoma, Oregon, Pennsylvania, South Dakota, Vermont and Washington, 2) take final action to approve or disapprove Tennessee’s lead SIP and 3) make a determination as to whether Herculaneum, Missouri has attained the original 1978 lead NAAQS. For further information: <http://www.4cleanair.org/Documents/LitigationLeadNAAQS092012.pdf>

The Week Ahead

- NACAA Fall Membership Meeting, in Stevenson, WA – September 30-October 3, 2012

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