

**Testimony of
Nancy Kruger, Deputy Director
National Association of Clean Air Agencies
before the
U.S. Environmental Protection Agency
on the April 24, 2009 (74 *Federal Register* 18886)
Proposed Endangerment Finding and Cause or Contribute Findings for
Greenhouse Gases under Section 202(a) of the Clean Air Act
Docket No. EPA-HQ-OAR-2009-0171**

May 18, 2009

Good morning. My name is Nancy Kruger and I am deputy director of the National Association of Clean Air Agencies (NACAA). NACAA is an association of air pollution control agencies in 53 states and territories and more than 165 metropolitan areas across the country. On behalf of NACAA, thank you for the opportunity to testify on EPA's April 2009 proposal under section 202(a) of the Clean Air Act to find that (1) greenhouse gases (GHGs) endanger public health and welfare and (2) the combined emissions of four specific GHGs from new motor vehicles and new motor vehicle engines are contributing to this mix of GHGs in the atmosphere and therefore contribute to the air pollution that is endangering public health and welfare.

NACAA commends EPA for proposing these findings. They are long overdue. The evidence is overwhelming that GHG emissions from human activities are causing global warming and that this warming is endangering public health and welfare. In 2007, the Intergovernmental Panel on Climate Change (IPCC) concluded that the evidence that global warming is already affecting our planet is "unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and

rising global average sea level.”¹ EPA catalogues much of these data in its technical support documents and I will not repeat them here. I will note, however, that EPA’s scientific information comes from reports of the Nobel Prize-winning IPCC, which consists of thousands of scientists around the world, and reports generated by the U.S. Climate Change Science Program.

We agree with EPA that GHGs endanger both public health and welfare. While GHGs at current and projected concentrations in the atmosphere do not *directly* affect public health, they do so indirectly. In its *Federal Register* notice, EPA states that the impacts of global warming include more frequent heat waves and unusually hot days and nights, increases in regional ozone pollution, and an increase in the spread of several food and water-borne pathogens. All of these changes induced by global warming cause mild and potentially severe health effects, including death. In fact, health effects are specifically mentioned in the IPCC’s Synthesis Report as one of the impacts of global warming. In short, we could not say it better than EPA has: “[m]ortality and morbidity that result from the effects of climate change are clearly public health problems.”²

In our November 2008 comments on EPA’s Advance Notice of Proposed Rulemaking (ANPRM) on regulating GHGs under the Clean Air Act and our December 2008 recommendations to the new administration, we called on EPA to propose the GHG endangerment finding. Further, we stated that EPA must make an endangerment finding based on scientific considerations alone. Consideration of the potential policy implications of the finding, such as how the agency would handle regulation of GHGs under the Clean Air Act, is wholly inappropriate and must not be a factor in the decision-making process for the finding. We are very pleased that EPA fulfilled its obligation to base its decision

¹ Intergovernmental Panel on Climate Change, “Climate Change 2007 – A Synthesis Report,” (2007), at p. 2, available at <http://www.ipcc.ch/ipccreports/ar4-syr.htm>.

² EPA, “Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Proposed Rule,” 74 *Federal Register* 18886 (April 24, 2009), at 18902.

solely on scientific evidence and, accordingly, arrived at the only plausible conclusion: that GHG emissions endanger public health and welfare.

In our comments on the ANPRM, after offering perspectives on the endangerment finding, we went on to explain how, once the finding is made, regulation of GHGs under the Act is, in fact, quite manageable, and we provided some suggestions in this regard. We are concerned that other commenters have used hyperbole to describe the consequences of a positive endangerment finding, claiming it will wreak havoc. We disagree strongly. While a positive endangerment finding places a duty on the agency to promulgate regulations to control GHG emissions from new motor vehicles and new motor vehicle engines, this finding itself does not make GHGs “regulated pollutants” under the Act. After EPA finalizes the endangerment finding, the agency must next issue a proposal for regulating GHG emissions from new motor vehicles and new motor vehicle engines and the public must be provided an opportunity to comment on that proposal. We are confident that before EPA finalizes any regulation controlling GHG emissions, it will chart a common-sense pathway for regulating GHG emissions under the Act. In our comments on the ANPRM, we offer several suggestions for how the agency could proceed thoughtfully and deliberately.

Once again, NACAA is pleased to lend its full support to this EPA proposal and we thank you for the opportunity to testify today.