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Administrator Lisa P. Jackson
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Docket ID No. EPA-HQ-OAR-2009-0517

Dear Administrator Jackson:

Earlier this year, tens of thousands of Center for Individual Freedom (CFIF) activists from across the country submitted comments to the Environmental Protection Agency (EPA), cautioning against the EPA's defective and costly endangerment finding for greenhouse gas (GHG) emissions. Those comments cited the potentially destructive consequences that would likely result from such a ruling.

Based on the proposed tailoring rule that your own office has issued in its attempt to make the regulation of GHGs feasible under the Prevention of Significant Deterioration (PSD) and Title V clauses of the Clean Air Act (CAA), it appears that those concerns were well-founded.

The EPA's proposed tailoring rule is, at best, legally tenuous. As you know, the CAA, as written, clearly regulates even low-level sources of covered emissions. Consequently, if the courts subsequently overturn the tailoring rule as a violation of the CAA, millions of businesses, schools, apartment buildings and even farms across the country would suddenly be subject to this new draconian regulation.

Even without such a ruling, moreover, the small emitters could be immediately affected by state laws already on the books. This is because in states where current statutory thresholds differ from the proposed tailoring rule, federally-enforceable state implementation plans (SIPs) would require them to regulate emitters below the EPA's arbitrary 25,000-ton threshold. In addition to the destructive consequences of the regulations themselves, the sudden influx of permit applications that would result is something that state governments and business owners alike are unprepared to handle.

Accordingly, the fig leaf of arbitrarily setting a new 25,000-ton limit for regulating GHGs will not avoid the legal pitfalls inherent in the use of the CAA for command-and-control reduction of alleged GHG emissions. Furthermore, the problems outlined above demonstrate that EPA has not yet adequately considered or addressed the concerns many individuals, businesses and associations have outlined with the regulation of GHGs under the CAA. This is particularly critical during a period of high unemployment and economic uncertainty throughout America.

CFIF therefore urges the EPA to delay its attempt to regulate GHGs from stationary sources pending more thorough analysis, if not abandon it altogether. In the end, Congress is the appropriate body for legislation specifically tailored to handle this complex issue. At the very least, however, the EPA must properly evaluate the dangerous impact its endangerment finding will have on businesses and state permitting agencies. The public deserves nothing less.

Sincerely,

/s/

Timothy Lee

Vice-President of Legal and Public Affairs

Center for Individual Freedom