

CR – GHG and CWA Language

The impacts of some language would be far wider than they intend. For example, on the GHG language ALONE:

- The language would prevent EPA from implementing the ENERGY STAR program – a successful voluntary program that consumers and industry alike have been using for decades to find and sell energy efficient products. Keeping EPA from implementing a wildly popular voluntary program that saved American consumers \$17 billion in 2009 alone is completely irresponsible and defies common sense.
- The language also flies in the face of common sense by preventing the development of American grown biofuels. This language would prevent EPA from implementing the Congressionally mandated Renewable Fuels Program, which will reduce our dependence on foreign oil. This language will destroy jobs in the agricultural sector of the United States and will hit rural American especially hard.
- It would also prevent EPA from instituting the 3-year exemption for biomass carbon pollution emissions
- Finally, the CR would undo all of the reasonable, common-sense steps EPA has taken to give certainty to American business re: carbon pollution permitting – and would compromise the plans of any company anywhere in the United States to build a new factory or expand an existing one.
- The CR's language recklessly makes it MORE likely that American companies will not grow because:
 - o The Clean Air Act prohibition against constructing without a permit that addresses greenhouse gas emissions increases would remain in place.
 - o While EPA would be prohibited from suing to block construction that lack the proper Clean Air Act permit addressing greenhouse gas emissions, state governments and private citizens would NOT be stopped.
 - o The language would irresponsibly prohibit EPA from issuing valid permits, and states and citizens would sue to block the invalid permits.
 - o Therefore, remarkably, the result of this rider would be to would throw all attempted large, job-creating construction projects across the country into great uncertainty – a completely irresponsible and counter-productive step given the nation's economic situation.
 - o The litigation uncertainty would cause the cancelation of countless projects and kill thousands and thousands of American jobs.

The Clean Water Act language is just as irresponsible and reckless:

- The language would prohibit EPA and the Army Corps from preventing the dumping of pollution into waters that flow into the rivers in our communities.
- Preventing EPA from improving water quality makes no sense and is particularly irresponsible since we know that every dollar we spend on protecting drinking water yields \$27 in health benefits
- More than 1/3 of the population – 117 million Americans – gets their drinking water from sources fed by waters that may lack protection under the CWA – the CR would make it impossible for EPA to protect those waters and the health of Americans who rely on them.

- The language would prevent EPA and US ACE from agreeing which waters are protected under the law – leaving in place the uncertainty that followed the *Rapanos* decision
- Finally, the lack of certainty and common-sense this bill would reinforce has led to truly absurd and harmful outcomes. For example:
 - o Challenges in proving jurisdiction under current interpretations of “navigable waters” hampered enforcement efforts when a large animal feeding operation in Georgia discharged liquid manure to tributaries. Unhealthy levels of viruses and bacteria were found downstream in Lake Blackshear, used for waterskiing and other water recreation.
 - o Storm water from construction sites carried oil, grease, and other pollutants into ephemeral tributaries to the San Pedro River – an internationally recognized river ecosystem supporting diverse wildlife. EPA had to discontinue all enforcement cases located on the San Pedro because it was extremely time-consuming and costly to prove that the CWA protected these rivers under current interpretations of “navigable waters.”