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Sen. Voinovich Floats Proposal for Curbing Greenhouse Gas Regulations

By ROBIN BRAVENDER of
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Ohio Republican George Voinovich is circulating a proposal among his Senate colleagues that would impose broad limits on federal and state authority to limit greenhouse gas emissions, a Senate Republican aide said today.

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The [amendment \(pdf\)](#) would broadly pre-empt states and federal agencies from regulating greenhouse gases outside the authority of a climate bill. It would block U.S. EPA and states from regulating greenhouse gases except in certain circumstances where they directly affect public health or to protect the stratospheric ozone layer.

Attorneys who specialize in air regulation say the measure would also limit federal programs like the Endangered Species Act, the Clean Water Act and the National Environmental Policy Act and would prevent public nuisance litigation related to climate change. Additionally, the measure would give the Transportation secretary exclusive jurisdiction to regulate automobiles' greenhouse gas emissions.

Voinovich is circulating the proposal ahead of the expected release next week of a climate bill from Sens. John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joseph Lieberman (I-Conn.). The Ohio Republican is considering adding the language to that bill or other Senate climate measures, the Republican aide said.

Pre-emption language is a "threshold issue" for Voinovich, the aide said: "To even start the conversation, this has got to be on the table." The aide added that the Clean Air Act, NEPA and the Clean Water Act "were not written with an eye toward addressing climate change."

Voinovich is among a host of senators from both parties who have expressed concerns about EPA climate rules and overlapping state and federal regulations. Sen. Lisa Murkowski (R-Alaska) has introduced a disapproval resolution that seeks to prevent EPA from issuing climate regulations, and Sen. Jay Rockefeller (D-W.Va.) introduced a separate bill that would block the agency from regulating stationary sources for two

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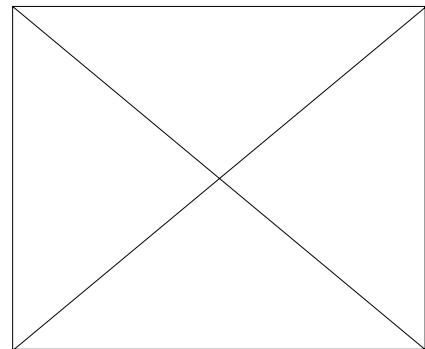
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years.

Murkowski spokesman Robert Dillon said the Voinovich amendment "certainly would resolve the issue and make a climate bill more likely to gain Republican support."

"Obviously pre-emption is a must-have going forward," Dillon said. "If we're going to address carbon emission regulation, it should be a national standard, and we shouldn't have redundant practices and policies that are going to reduce certainty for industry."

Clean Air Watch President Frank O'Donnell called the amendment a "thoroughly terrible idea" because "it would eliminate something we know works."

"It looks like it's a ploy by Voinovich to say, 'You want my vote, you're going to have to gut EPA and state authority,'" O'Donnell added.

Meanwhile, state regulators today warned the architects of the Senate climate bill against handcuffing states' authority.

"When it comes to energy policy and the environment, one size truly does not fit all," California Air Resources Board Chairman Mary Nichols said today during a conference call concerning state pre-emption. She said that while California fully supports the need for federal climate legislation, a collaborative effort involving all levels of government will be needed to achieve the needed emissions reductions.

[Click here \(pdf\)](#) to read the amendment.

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