

## CLIMATE: Final 'Johnson memo' leaves key questions unanswered, industry groups say

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U.S. EPA has outlined its plans for gradually phasing in climate rules for large facilities, but industry groups say the agency has not done enough to answer questions that matter most to businesses.

EPA Administrator Lisa Jackson yesterday issued EPA's formal reconsideration of the George W. Bush administration's "Johnson memo," a policy stating when the agency plans to begin to regulate greenhouse gases from power plants, refineries and other large emitters.

EPA Administrator Lisa Jackson called the plan a "common sense" approach that lets facilities and regulators prepare.

But with EPA preparing to issue its first greenhouse gas standards for mobile sources later this week -- a move that will require EPA to issue stationary-source rules -- major industry groups say the agency has failed to answer important questions.

"We are deeply concerned and disappointed by yesterday's announcement from EPA Administrator Lisa Jackson," said Cal Dooley, president and CEO of the American Chemistry Council. "Because the final 'Johnson memo' fails to resolve the many regulatory uncertainties surrounding permitting requirements for

new construction or plant modifications at U.S. industrial facilities, good U.S. jobs will not be created and plans for innovative green investments will be significantly delayed."

One question that remains unanswered, according to ACC, is how EPA will define "best available control technology," the standard that new and modified facilities must meet to control their greenhouse gas emissions under the Clean Air Act's New Source Review rules.

EPA has assembled a working group to offer industries guidance on what that standard will be, but the group has not issued a formal consensus.

Industries are also waiting for EPA to specify which facilities will be subject to New Source Review and operating permit requirements, Dooley said. EPA proposed last year in its draft "tailoring" rule to begin regulating only facilities that emit more than 25,000 tons of greenhouse gas equivalent per year, but Jackson said later that the agency would begin regulating only the largest sources that emit more than 75,000 tons per year.

EPA said yesterday that it will lay out that threshold later this spring when it issues its final tailoring rule.

Lou Hayden, a policy analyst with the American Petroleum Institute, said the tailoring rule will address those questions but "probably not in a way

that many consumers will approve of." API opposes greenhouse gas regulation under the Clean Air Act.

### Criticism from enviro group

EPA also faced criticism from the left yesterday when the Center for Biological Diversity blasted the agency for deciding to delay stationary source rules until next year.

"Delaying Clean Air Act review for coal-fired power plants and other polluters leaves desperately needed and achievable emissions reductions sitting on the table," said Kieran Suckling, CBD's executive director.

The center today launched a campaign to gather 500,000 signatures on a petition asking EPA to set a national air quality standard for carbon dioxide pollution. Signatories include James Hansen, a prominent climate scientist and the head of NASA's Goddard Institute for Space Studies, singer Bonnie Raitt, and best-selling author Barbara Kingsolver, according to CBD.

CBD last December filed a petition along with the group 350.org asking EPA to set an upper limit for atmospheric CO2 concentrations of 350 parts per million.

EPA is reviewing the petition, but Jackson said last December that she did not believe that setting a national ambient air quality standard for greenhouse gases was advisable.