



CLIMATE:

EPA takes a step toward aviation rules, but time horizon is uncertain

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U.S. EPA is finally taking first steps toward regulating greenhouse gas emissions from aviation, but any rules are unlikely to be completed before President Obama leaves office.

EPA announced a timeline today to determine whether aviation emissions endanger public welfare by contributing to climate change. The new endangerment finding would pave the way for Clean Air Act regulations for airlines, with a draft determination and advanced notice of proposed rulemaking due in April and the finding to be finalized in spring 2016.

EPA said today that it provided the United Nations' International Civil Aviation Organization (ICAO) with a copy of the timeline and that domestic action would complement the international standards ICAO is currently working toward. Those are set to be negotiated by 2016 and to take effect four years later.

EPA's timeline is also a response to pressure and litigation at home by several environmental groups impatient to see the agency regulate the airline sector, which is

responsible for between 2 and 3 percent of U.S. heat-trapping emissions. The Center for Biological Diversity and Friends of the Earth represented by the environmental law firm Earthjustice filed a notice of intent to sue last month in federal court.

These groups cheered EPA's announcement today, saying they were certain the agency would find that aviation emissions drive harmful warming -- a conclusion they said was amply supported by science. But they were less sure whether EPA's timeline would mean that Obama's EPA would oversee the rulemaking that would follow, or whether that task would fall to the next administration. The timeline does not include a deadline for a proposed or final rulemaking.

"It is entirely possible that they could follow that up very quickly with a proposed rulemaking and get it finalized," said Vera Pardee, a senior attorney with the Center for Biological Diversity's Climate Law Institute. "We would hope that they would."

But she argued that a subsequent administration would find it hard not to move on regulation after the expected endangerment finding is in place.

And once a domestic rulemaking process is underway, ICAO's members will have an

added incentive to reach a meaningful agreement internationally, Pardee said. The U.S. regulations -- following up on steps already taken by the European Union to curb aviation emissions -- will serve the same purpose once filled by California's efforts to impose stricter tailpipe emissions on vehicles, she said. It will convince the industry that stricter requirements are inevitable and will become a patchwork of conflicting rules unless international standards are set.

And if ICAO does not agree to standards that are strict enough to address emissions, Pardee said she hoped EPA would not follow suit. "EPA understands the greenhouse gas issue, understands its domestic duty, and I certainly hope that it would not simply enact meaningless standards," she said.

Airlines for America, the industry's trade group, touted the industry's "strong record of fuel efficiency and carbon emissions reduction" and said again that it supports ICAO's quest for an international standard.