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Western Environmental Law Center

Defending the West Wildlands, Water, and Western Communities

September 18, 2007

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, DC 20460

Dear Mr. Administrator,

At this writing, more than 20 months have passed since California requested that you act on its request for a waiver of federal pre-emption found in section 209(a) of the Clean Air Act (CAA), a waiver to which that state is entitled pursuant to CAA § 209(b), to enable that state's vehicle greenhouse gas emission limitations program to go into effect.

Your failure to act on California's request threatens not only that state's greenhouse gas (GHG) emissions program, but those in other states – including Oregon and Washington – that have adopted the California standards. As well, your failure threatens to compound other lost opportunities to mitigate regional and worldwide impacts of climate change. Near and long-term environmental, economic and public costs are mounting in California, Oregon, and Washington.

Accordingly, pursuant to section 304 of the Clean Air Act, 42 U.S.C. § 7604, and 40 C.F.R. part 54, the Western Environmental Law Center (WELC) hereby provides you notice of its intent to sue after 180 days from this notice have passed, if legal action remains necessary to compel you to take final action on California's 2005 request. WELC provides this notice on behalf of Oregon-based organizations Oregon Environmental Council, Oregon Wild, and 3Estrategies; Washington-based organizations Climate Solutions, Washington Environmental Council, Environment Washington, and NW Energy Coalition; the Center for Biological Diversity and Friends of the Earth, organizations with offices and members in California and several other states; and Angus Duncan, a resident of Oregon.

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On behalf of its clients, WELC also reserves all legal rights to seek relief under any other provision of law. CAA § 304(e).

The full name and address of the organizations giving notice is on the third page of this notice letter. The contact information for the legal counsel in this action is:

Daniel Galpern
Western Environmental Law Center
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Please contact us if you have any question about this notice, or wish to discuss measures short of litigation that would correct your failure to date to comply with the Clean Air Act by issuing the requisite waiver. In the event that legal action is necessary to compel compliance, we intend to seek all appropriate relief.

Sincerely,

Daniel Galpern

Oregon Organizations

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California Organizations

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Washington Organizations

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Oregon Individual

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