



United States Senate
WASHINGTON, D. C. 20510

November 3, 2009

Administrator Lisa Jackson
USEPA Ariel Rios Building
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

Dear Administrator Jackson:

I understand that your staff will be briefing the Senate Committee on Environment and Public Works today on the agency's assessment of S. 1733, the Kerry-Boxer bill. I assume the purpose of this briefing is three-fold: to allow EPA to explain why its work on S. 1733 provides enough detail for the committee to move forward with consideration of the bill; to allow EPA to explain that there are only minor differences between S. 1733 and H.R. 2454, the Waxman-Markey bill; and to allow EPA to explain why its analysis of Waxman-Markey addresses all of the concerns expressed by many of my colleagues and me.

I appreciate the Chairman's willingness to provide additional time to deliberate over EPA's work before proceeding to a markup. Additionally, I appreciate your staff providing the committee with an explanation of its work. However, I question the need for this briefing. The issue before us is not whether we understand EPA's 38-page discussion paper on S. 1733 and its current analysis of Waxman-Markey. Rather, the issue is that the committee lacks a full analysis, with modeling runs, of S. 1733. Having a briefing does nothing to change that.

The briefing is unnecessary for another reason: EPA has already agreed to do full modeling of the bill with inputs and assumptions that provide a more comprehensive and accurate picture of how it would affect our nation's economy, jobs, energy prices, and our energy security. As you are aware, our staffs negotiated together with EPA's modelers over several weeks to reach an agreement. Subsequently, on a bipartisan basis, we should be able to secure EPA's full analysis. No more negotiation is needed. In my view, should Chairman Boxer choose to give her consent, EPA can begin to work on this long-negotiated agreement immediately. Once the results are made public, I would be more than happy to release my hold on the nomination of Mr. Persciasepe to be Deputy Administrator of EPA.

As you know, EPA has agreed to modeling with the following inputs and assumptions:

- International action that lines up with the recent G8 agreement;
- A scenario that assumes that no international offsets will be available;

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- A scenario that assumes: (1) through 2050, neither nuclear power nor biomass power deploys any more, or any faster, than in the reference case; and (2) no CCS gets built until after 2030;
- A scenario that assumes both that no international offsets are available and (1) through 2050, neither nuclear power or biomass power deploys any more, or any faster, than in the reference case; and (2) no CCS gets built until after 2030;
- A scenario that imposes the IPM electricity-sector reductions on ADAGE and the resulting impacts on the overall emissions-allowance market; and
- A scenario that shows the impact of US policy on global greenhouse gas emissions and concentration levels.

Moreover, EPA has agreed that in future computer modeling analyses of climate legislation, the agency will include model scenarios that reflect potential constraints on the availability and deployment of clean energy technologies and the availability of offsets. Such information will provide for better informed policy debates and allow the United States Senate to more accurately formulate amendments that are consistent with our respective policy goals.

I appreciate your persistence and good faith in negotiation. It is my sincere hope that Senator Boxer will provide her consent and allow the time for you to go forward with the analysis we've agreed to so that the Environment and Public Works Committee, as well as the United States Senate is fully informed to debate this very important issue.

Sincerely,



George V. Voinovich
United States Senator