

U.S. Senate Committee on Environment and Public Works

EPA WAIVER CHRONOLOGY

December 21, 2005: California applies for a waiver to allow the state to regulate global warming pollution from motor vehicles

December 19, 2007: President Bush signs the Energy Independence and Security Act of 2007, which includes a boost in national CAFÉ standards to a fleetwide average of 35 mpg by 2020.

December 19, 2007: In a two-page letter, devoid of any scientific or legal documentation, EPA denies California's waiver request. The letter characterizes the CAFÉ standards in the Energy Bill as superior to California's in addressing automobile pollution.

December 20, 2007: Senator Boxer writes to EPA Administrator requesting that the Administrator turn over to the Committee all documents related to the decision. Deadlines are given in two phases – Monday, January 7, and Monday, January 14.

December 21, 2007: Senator Boxer announces a field briefing January 10 in Los Angeles to investigate the waiver decision and set the record straight. Senator Boxer requests that Administrator Johnson attend.

December 26, 2007: Administrator Johnson declines the invitation. EPA later declines to send any other EPA representative to the briefing.

January 2, 2008: California, along with 14 other states and five environmental groups (Conservation Law Foundation, Environmental Defense, International Center for Technology Assessment, Natural Resources Defense Counsel and the Sierra Club) file suits to overturn the waiver decision. Senator Boxer announces she will file an amicus brief.

January 4, 2008: EPA writes to Senator Boxer that it will not meet the January 7 deadline, and will “respond further” on January 11, one day after the LA field briefing. Senator Boxer immediately responds reiterating the deadlines and informing EPA that no extension will be granted.

January 10, 2008: Senator Boxer presides over field briefing in Los Angeles to set the record straight about the waiver decision. California officials, including Attorney General Jerry Brown and Air Resources Board chair Mary Nichols, testify that the California law would result in far greater emissions reductions than the federal energy bill.

January 11, 2008: In a letter, EPA claims it is continuing to search for the documents, and expects to “substantially complete” all of its searches by January 18, but gives no date for delivery of documents, stating only that it will give a further response “soon.”

January 14, 2008: Environment and Public Works (EPW) staff notifies EPA in writing that the deadlines still stand, and seeks commitment from EPA as to when they will provide the documents, since the responses have been vague.

January 18, 2008: EPA submits heavily redacted documents to EPW committee and says a private review of the documents is possible at a later date. Limits on availability of documents are not agreed to by the EPW committee.

January 24, 2008: Administrator Johnson appeared before a hearing of the full Environment and Public Works Committee. He was followed by other witnesses, including a bipartisan panel of Governors, featuring the Governors of Maryland, Pennsylvania and Vermont.

January 25, 2008: EPA sends a second installment of redacted documents, approximately one quarter of a box of documents, which arrive on Friday at 4:25 pm.

February 1, 2008: EPA delivers a third installment, a full box of redacted documents, which arrive on Friday at 6:40 pm.

February 5, 2008: EPW Committee staff contact EPA to schedule review of unredacted documents. EPA states that the only set of the documents is being reviewed by the House Oversight Committee and they will not be available to the Senate EPW Committee until the House review is completed.

February 6, 2008: EPA brings redacted set of documents to EPW Committee offices for review.

February 8, 2008: EPA delivers a fourth installment, a full box of redacted documents, which arrive on Friday at 5:15 pm.

February 15, 2008: EPA delivers a fifth installment of two full boxes of redacted documents, which arrive on Friday at 4:36 pm. EPA's cover letter states that its response is "substantially completed." However, in a telephone call EPA representatives say that numerous EPA documents are still being processed for production and that there is an additional set of documents involving "interagency" communications that are being reviewed by officials outside of EPA (including the White House General Counsel's office).

February 21, 2008: EPA delivers a sixth installment, three full boxes of redacted documents, which arrive on Thursday at 4:20 pm.

February 22, 2008: EPA delivers a seventh installment, a full box of redacted documents, which arrive on Friday at 6:25 pm. EPA's cover letter states that this production "substantially completes EPA's response concerning its documents; however, as we stated previously, we are continuing to consult with other Executive Branch agencies about any documents that concern their interests" and "we will respond further after the consultation is completed."

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