

Setting the Record Straight on Upton-Inhofe, “The Energy Tax Prevention Act of 2011”

Myth: The Upton-Inhofe bill prohibits states from regulating greenhouse gases and addressing climate change.

- **FACT:** The Upton-Inhofe bill expressly allows states to keep existing policies in place, and allows states to regulate greenhouse gas emissions as they see fit. According to Section 330(b)(5): “**This section does not limit or otherwise affect the authority of a State to adopt and enforce State laws and regulations pertaining to the emission of a greenhouse gas.**” The bill also makes clear that any changes States have adopted in their State implementation programs and Title V operating permit programs pertaining to greenhouse gases *are not federally enforceable*.

Myth: The Upton-Inhofe bill overturns the agreement between the White House, California, the auto makers, the EPA, and the Department of Transportation on greenhouse gas emissions from cars, along with the greenhouse gas rule for medium- and heavy-duty engines and trucks.

- **FACT:** The Upton-Inhofe bill expressly preserves the auto agreement and the truck rule. Here is what the bill says: “Paragraph (1) does not prohibit the following: Notwithstanding paragraph (4)(A), implementation and enforcement of the rule entitled ‘Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards’...and finalization, implementation, enforcement, and revision of the proposed rule entitled ‘Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles’.”

In 2017 and beyond, the Upton-Inhofe bill ensures that any future national auto regulations concerning greenhouse gases will be decided by Congress.

Myth: The Upton-Inhofe bill overturns clean air and public health protections under the Clean Air Act.

- **FACT:** The bill maintains all of the Clean Air Act’s provisions to protect the public from harmful pollution. It clarifies that Congress never gave EPA authority under the Clean Air Act to regulate greenhouse gases for climate change purposes. That responsibility lies with Congress. What’s more, the Supreme Court was wrong: carbon dioxide is not a ‘pollutant’ under the Clean Air Act.

Myth: *In Massachusetts v. EPA*, the Supreme Court forced EPA to make an endangerment finding and to regulate greenhouse gas emissions from both stationary and mobile sources.

- **FACT:** The Supreme Court stated that EPA possessed the discretion under the Clean Air Act to decide whether greenhouse gases endanger public health and welfare. EPA said they did and thus, under the Act, were required to regulate. EPA made the wrong choice.

Here is what the Supreme Court said: *“Under the clear terms of the Clean Air Act, EPA can avoid taking further action only if it determines that greenhouse gases do not contribute to climate change or if it provides some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do.”*

Myth: The Upton-Inhofe bill will increase our dependence on foreign oil.

- **FACT:** The Upton-Inhofe bill will prevent EPA bureaucrats from blocking domestic production of America’s energy resources, *which will lessen our dependence on foreign oil*. Also, the bill does nothing to affect the authority of the Department of Transportation to regulate fuel economy standards for cars and light trucks.

Myth: The Upton-Inhofe bill stops the U.S. government from taking any action to address climate change.

- **FACT:** The Upton-Inhofe bill puts Congress in charge of U.S. climate and energy policy. Also, the bill expressly preserves federal research, development and demonstration programs addressing climate change.