

SECTION-BY-SECTION SUMMARY
THE “ENERGY TAX PREVENTION ACT OF 2011”
DISCUSSION DRAFT

Section 1: Short Title

Section 1 provides the short title for the legislation, the “Energy Tax Prevention Act of 2011.”

Section 2: No Regulation of Emissions of Greenhouse Gases

Section 2 amends the General Provisions of the Clean Air Act by adding a new Section 330. Section 330(a) expressly defines the greenhouse gases that are to be excluded from any climate change-related regulation (*e.g.*, water vapor, carbon dioxide, and methane). Section 330(b)(1) makes clear that the Administrator of the U.S. Environmental Protection Agency (“EPA”) may not promulgate regulations or take action with respect to greenhouse gases due to concerns regarding possible climate change under the Clean Air Act. The term “air pollutant” is clarified to exclude greenhouse gases for the purposes of addressing climate change.

Section 330(b)(2) provides for the following exceptions to the prohibition on the Administrator’s greenhouse gas regulatory authority:

- Emissions standards for 2012-2016 model year vehicles already promulgated by EPA and emissions standards for 2014- 2018 heavy-duty engines proposed by EPA.
- Authorized federal research, development and demonstration programs addressing climate change.
- Provisions relating to stratospheric ozone protection and implementation of the Montreal Protocol.

Section 330(b)(3) clarifies that the exceptions in (b)(2) do not trigger regulatory obligations under part C of Title I (“Prevention of Significant Deterioration Program”) or Title V of the Clean Air Act.

Section 330 (b)(4) expressly repeals prior rulemakings by EPA with respect to regulating greenhouse gases due to concerns regarding possible climate change.

Section 330(b)(5) states that nothing in the Act affects State authority to adopt and enforce State laws and regulations pertaining to greenhouse gases; however, any changes States have adopted in their State implementation programs and Title V operating permit programs with respect to greenhouse gases are not federally enforceable.

Section 3: Regulation of Automobiles

Section 3 amends Clean Air Act section 209(b) to exclude greenhouse gases from the Administrator’s waiver authority for new motor vehicles or new motor vehicle engines for model year 2017 and any subsequent model year.