



STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL

EDMUND G. BROWN JR.

January 24, 2008

The Honorable Barbara Boxer
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Madam Chairman:

I support your investigation of the EPA's denial of California's waiver request. It is crucial that the waiver decision be reversed as soon as possible. Every additional delay harms the nation by denying California the ability to address the mounting threat of global warming.

Administrator Johnson has an obligation to generously carry out the mandate of the Clean Air Act, not undermine it in myriad and devious ways. As the custodian of our nation's environmental trust, Mr. Johnson should applaud California's pioneering environmental initiative. Instead, Mr. Johnson chose to stonewall the state, privileging narrow interests over protecting the public's health and welfare.

California met the criteria for having the waiver approved on its merits. Yet, the EPA's two-page denial letter contained no analysis or legal justification whatsoever. California supports your effort to get to the bottom of this flagrantly political decision.

The EPA's recent refusal to disclose documentation of its decision is another delay tactic. California respects legitimate claims of privilege, but the public deserves to know how Mr. Johnson reached his decision.

Unfortunately, Mr. Johnson's past actions suggest that he will force states to wait for the Congress to extract the information through lawful subpoena.

Sincerely,

EDMUND G. BROWN JR.
Attorney General

