

March 4, 2010

Representative Ike Skelton
2206 Rayburn House Office Building
Washington, DC 20515

Representative Collin Peterson
2211 Rayburn House Office Building
Washington, DC 20515

Representative Jo Ann Emerson
2440 Rayburn House Office Building
Washington, DC 20515

Representatives Skelton, Peterson and Emerson:

On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in support of H.J. Res. 76, a disapproval resolution regarding the Environmental Protection Agency's (EPA) endangerment finding on greenhouse gases (GHGs).

On December 15, 2009, the EPA announced a final rule regarding the "Endangerment and Cause or Contribute Findings for GHGs under Section 202(a) of the Clean Air Act (CAA)". The rule finds that six greenhouse gases taken in combination endanger the public health and welfare. This effectively allows the EPA to continue to announce new emissions regulations on businesses and individuals under the CAA. NFIB believes that the CAA is an inefficient and ineffective vehicle to address climate protection and that Congress solely should address GHG emissions. The CAA was designed to control air pollution by requiring individual stationary pollutant sources to institute emission control technologies.

In June 2009, NFIB submitted comments to the EPA on the proposed endangerment ruling indicating that "an endangerment finding under CAA § 202 would trigger a regulatory avalanche under at least four CAA programs and impose potentially crushing regulatory burdens on previously unregulated small entities." Environmental regulations have been and continue to be a challenge for small businesses, as small entities are not major polluters and least able to sustain or even understand new restrictions. This regulation will create new burdens such as federal permitting requirements, restrictions on fuel choices and energy use, and expensive requirements for installation of new energy efficient equipment.

The EPA's Prevention of Significant Deterioration (PSD) Program is one such program that will impose major new costs on small business. The PSD permitting process itself is time consuming and expensive. The costs include legal, engineering and consulting fees, as well as permitting and administrative fees. Small entities that would

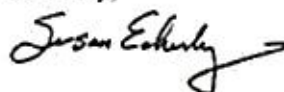
now be subject to PSD program requirements include many restaurants, office and apartment buildings, hotels, malls, retail stores and warehouses, schools, hospitals, nursing facilities, churches, and small manufacturing plants. Unfortunately, hundreds of thousands of previously unregulated small entities would be regulated as a 'major' emitter.

In addition to the PSD Program, NFIB expects small businesses to be regulated under the Title V permitting program and the Hazardous Air Pollutant program. Adding more regulatory costs and administrative burdens would be a serious blow to already overburdened small business owners, who according to the January 2010 NFIB Small Business Economic Trends survey, are still suffering from weak sales and profits numbers.

Subjecting over a million new sources to the CAA's complex and expensive permitting process will not materially reduce the nation's greenhouse gases. NFIB strongly supports the independent actions of business to become more energy efficient. According to NFIB's *2006 National Small Business Poll on Energy Consumption*, over the past three years, over 43 percent of America's small business owners have taken steps to reduce the amount of energy their businesses consume. Small business believes that the free market is best suited to develop new energy efficient technologies and renewable sources of fuel, and our nation's job creators stand ready to do so without the heavy hand of government mandates.

NFIB strongly supports the Skelton-Peterson-Emerson resolution of disapproval. As the 111th Congress continues, I look forward to working with you to address energy issues in a way that is not disruptive to the small business community.

Sincerely,

A handwritten signature in cursive script that reads "Susan Eckerly". The signature is written in black ink and includes a long, sweeping horizontal stroke at the end.

Susan Eckerly
Senior Vice President
Public Policy