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## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

BETTINA POIRIER, STAFF DIRECTOR  
ANDREW WHEELER, MINORITY STAFF DIRECTOR

December 20, 2007

Stephen L. Johnson  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Johnson:

I was extremely disappointed to learn of your decision yesterday to deny the State of California's request for a waiver for its Regulation to Control Greenhouse Gas Emissions from Motor Vehicles under the Clean Air Act. I am particularly concerned about reports indicating that you overrode the recommendations of your technical and legal staff in making this decision.

Even though it took two years to make this decision, the two-page letter denying the waiver is unsupported by legal or technical analysis. On its face, this decision appears to be contrary to the Clean Air Act and the science. Pursuant to its oversight responsibilities, the Environment and Public Works Committee is initiating a comprehensive review of this decision. Please provide the following:

1. All records that you or any other person in the Office of the Administrator received or reviewed that mention or are otherwise related to this waiver request, including any records presenting options, recommendations, "pros and cons," legal issues or risks, political implications or considerations, or any other record. Please provide these records by January 7, 2008.
2. All records reflecting communications that you, or any person in the Office of the Administrator, or any person in the Office of the Assistant Administrator for Air and Radiation, had with any person in the White House (including but not limited to Office of the Vice President, the Council on Environmental Quality, the Office of Management and Budget, or any other person in the Executive Office of the President) regarding or relating to this waiver request. Please provide these documents by January 7, 2008.
3. All other records making recommendations relating to this waiver request presenting options, recommendations, "pros and cons," legal issues or risks, or political implications or considerations. Please provide these records by January 14, 2008.
4. All other records relating to the California waiver request not available on the date of this letter in the EPA public docket for this waiver. This includes but is not limited to all emails or other records reflecting any communications within the agency, or communications with any person or entity outside of the agency, including the White House (as defined above) or any other agency, related to the California waiver request. Please provide these records by January 14, 2007.

Please immediately notify all EPA staff of this request with specific instructions for them to immediately initiate record collection, and to preserve all potentially relevant records. If you have any questions please contact Erik Olson of the Committee's staff at 202-224-8832.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Boxer". The signature is written in a cursive, flowing style.

Barbara Boxer  
Chairman