



Select Committee on  
Energy Independence and Global Warming  
U.S. House of Representatives  
January 8, 2008

Mr. Stephen Johnson  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Johnson:

The Select Committee on Energy Independence and Global Warming is examining the problem of heat-trapping emissions caused by aviation and what can be done to reduce those emissions. EPA's 2007 inventory of U.S. Greenhouse Gas Emissions and Sinks, 1990-2005 states that combustion of aviation fuels was responsible for approximately three percent of U.S. greenhouse gas emissions in 2005. Since heat-trapping emissions from aviation-related sources are expected to increase threefold in the next 20 years, it is imperative that this nation find ways to reduce such emissions.

Several studies recognize the link between aviation and global warming. For example,

- A February 2000 Government Accountability Office report found that "aviation emissions comprise a potentially significant and growing percentage of human-generated greenhouse gases and other emissions that are thought to contribute to global warming."<sup>1</sup> Furthermore, the report found that jet aircraft emissions deposited directly into the upper atmosphere may have a greater warming effect than gases emitted closer to the surface, such as automobile exhaust.
- The Intergovernmental Panel on Climate Change's report on Aviation and the Global Atmosphere similarly found that "a number of aircraft emissions can affect climate.... The effects of [aviation on] the atmosphere can be markedly different from the effects of the same emissions at ground level."<sup>2</sup>
- In October 2007, in response to a letter from Select Committee Chairman Markey regarding NextGen, the Federal Aviation Administration recognized that aviation "may be a serious long-term environmental issue facing the aviation industry," but opined that there were "large uncertainties in our present understanding of the magnitude of climate impacts." The response cites the

<sup>1</sup> General Accounting Office. (2000). *Aviation's Effect on the Global Atmosphere Are Potentially Significant and Expected to Grow*. Washington, DC. US Government Printing Office.

<sup>2</sup> Penner, Joyce E., et al, eds, *Aviation and the Global Atmosphere: A Special Report of the IPCC Working Groups I and III in collaboration with the Scientific Assessment Panel to the Montreal Protocol on Substances that Deplete the Ozone Layer*. Cambridge, UK: Cambridge University Press, 1999. Page 18.

EPA estimates of carbon dioxide emissions from aviation and admits that this analysis does not include airport operations emissions.

While the United States has yet to act to reduce aviation emissions, ministers from the European Union's 27 member states have now agreed to include aviation in the EU's CO<sub>2</sub> cap-and-trade scheme. On November 13, 2007, members of European Parliament voted to proceed with a proposal to impose a cap on CO<sub>2</sub> emissions for all planes arriving or departing from EU airports, while allowing airlines to buy and sell "pollution credits" on the EU carbon market. Some of the most important details are:

- All airlines flying to and from EU territory should join the scheme in 2011. The Parliament rejected the Commission's proposal that international flights should be given an extra year and ignored threats from other countries, including the United States, that they would instigate legal action if the EU attempts unilaterally to enforce compliance;
- Airlines would be required to reduce emissions by 10% compared to average 2004-2006 levels, rather than just having to maintain those levels, as the Commission had initially proposed;
- 25% of the pollution permits would be auctioned out to airlines, rather than having at least 90% distributed to operators for free, as the Commission had originally suggested. Revenues from the sales would be used to mitigate greenhouse gas emissions, fund relevant research and lower taxes and charges on more climate-friendly transportation modes such as rail and bus;
- If the Commission fails to develop legislation to address additional climate impacts caused by nitrogen oxide (NO<sub>x</sub>) emissions from aircraft, the cost of all CO<sub>2</sub> permits bought by airlines would be multiplied by two;
- The aviation sector can only buy permits from other sectors if it first improves its own fuel efficiency, and;
- Military flights and planes weighing less than 20,000kg, such as business jets, would be excluded.

The Administration's continuing failure to regulate greenhouse gas emissions no longer has any legal foundation. In April 2007, the Supreme Court ruled that EPA has the authority under the Clean Air Act to regulate greenhouse gases, thus clarifying EPA's obligation to protect the public health and welfare from the effects of global warming.<sup>3</sup>

On December 5<sup>th</sup>, 2007, you received a petition from environmental organizations and the states of California, Connecticut, New Jersey, and New Mexico, the Commonwealth of Pennsylvania, and the City of New York. This petition demands that you propose and adopt regulations setting emissions standards to limit pollutants from aircraft using your authority under the Clean Air Act that states "the Administrator shall, from time to time, issue proposed emission standards applicable to the emission of any air pollutant from any class or classes of aircraft engines which

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<sup>3</sup> Massachusetts v. EPA, 549 US \_\_\_\_ (2007).

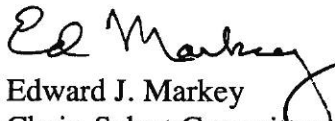
in his judgment causes, or contributes to, air pollution which may reasonable be anticipated to endanger public health and welfare.”

In light of the above, the Select Committee respectfully seeks specific answers to the following questions:

1. Does EPA support regulating the emissions of greenhouse gases from aircraft? If not, why not?
2. What role, if any, did EPA play in the Administration’s threat of legal action against the EU should it seek to enforce a cap on the emissions of greenhouse gases from aviation?
3. What advice, if any, has EPA provided to the FAA regarding the need to anticipate the regulation of CO<sub>2</sub> and other emissions from commercial aviation?
4. What information or guidance has EPA provided to the FAA regarding estimates of CO<sub>2</sub> and NO<sub>x</sub> emissions from aviation in the context of the development of the FAA/NextGen Environmental Management Framework?
5. Please identify any and all research cited by EPA in support of its views of the effect of aviation on climate change.
6. What is the status of EPA’s determination whether CO<sub>2</sub> emissions cause or contribute to pollution that may reasonably be anticipated to be a danger to human health and welfare?
7. What is the status of EPA’s deliberations concerning whether aviation emissions such as CO<sub>2</sub>, NO<sub>x</sub> and other aviation pollutants are a danger to human health and welfare?

Thank you for your prompt attention to this request. Please contact Danielle Baussan or Jeff Duncan at 202-225-4012 with any questions.

Sincerely,



Edward J. Markey  
Chair, Select Committee on Energy Independence  
and Global Warming