



MEMORANDUM OF OPPOSITION

Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011

HR. 2401 – Sullivan

A **BILL** to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes.

JUSTIFICATION

The Environmental Protection Agency provides critical protection of our nation's natural resources including air and water. HR. 2401 – The TRAIN Act represents an unprecedented assault on the ability of an agency to perform its function. The TRAIN Act seeks to delay and inhibit the ability of the Environmental Protection Agency to implement rules that would protect our nation's air quality. Specifically the TRAIN Act would continue allowing known air pollutants to be spewed into our nation's communities, negatively impacting public health and jeopardizing our nation's environment. The Environmental Protection Agency must be allowed to continue its work implementing existing laws such as the Clean Air Act and Clean Water Act.

SUMMARY OF PROVISIONS

1. The President will establish a Committee for the Cumulative Analysis of Regulations that Impact Energy & Manufacturing in the United States to analyze and report on the impacts of rules and actions by the Environmental Protection Agency.
2. Members will include the following agencies: Agriculture; Commerce; Labor; Energy; Treasury; EPA; Council of Economic Advisors; FERC; Office of Information & Regulatory Affairs; Small Business Administration; ITC
3. The Committee shall conduct analyses, for each of the calendar years 2016, 2020, and 2030, of the cumulative impact of covered rules that are promulgated as final regulations on or before January 1, 2012, in combination with covered actions. The cumulative impact of all covered rules (including covered rules that have not been promulgated as final regulations on or before January 1, 2012), in combination with covered actions. The incremental impact of each covered rule not promulgated as a final regulation on or before January 1, 2012.
4. Each analysis must include: the global economic competitiveness of the United States; other cumulative costs and cumulative benefits; any resulting change in national, State, and regional electricity prices; any resulting change in national, State, and regional fuel prices; the impact on national, State, and regional employment, including secondary impacts associated with increased energy prices and facility closures; the reliability and adequacy of bulk power supply in the United States.

5. Covered Rules:
 - a. `Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone', published at 75 Fed. Reg. 45210 (08/02/10)
 - b. `National Ambient Air Quality Standards for Ozone', published at 75 Fed. Reg. 2938 (01/19/10)
 - c. `National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters', published at 76 Fed. Reg. 15608 (03/21/11).
 - d. `National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers', published at 76 Fed. Reg. 15554 (03/21/11).
 - e. `National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units', signed by Administrator Lisa P. Jackson on March 16, 2011.
 - f. `Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities', published at 75 Fed. Reg. 35127 (06/21/10).
 - g. `Primary National Ambient Air Quality Standard for Sulfur Dioxide', published at 75 Fed. Reg. 35520 (06/22/10).
 - h. `Primary National Ambient Air Quality Standards for Nitrogen Dioxide', published at 75 Fed. Reg. 6474 (02/09/10).
 - i. Any rule or guideline promulgated under section 111(b) or 111(d) of the Clean Air Act (42 U.S.C. 7411(b), 7411(d)) to address climate change
 - j. Any rule or guideline promulgated by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency under or as the result of section 169A or 169B of the Clean Air Act (42 U.S.C. 7491, 7492).
 - k. Any rule establishing or modifying a national ambient air quality standard under section 109 of the Clean Air Act (42 U.S.C. 7409).
6. Covered Actions include any action on or after January 1, 2009 by the EPA as a result of the application of part C of title I or title V of the Clean Air Act if the application occurs to an air pollutant that is identified as a greenhouse gas published under 74 Fed. Reg 66496 (12/15/09)

**CITIZENS CAMPAIGN FOR THE ENVIRONMENT STRONGLY OPPOSES
THE TRAIN ACT – HR 2401**

Citizens Campaign for the Environment is an 80,000 member non-profit, non-partisan advocacy organization that works to empower communities and advocate solutions that protect public health and the environment.

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