

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SENATE CONCURRENT MEMORIAL 1001

A CONCURRENT MEMORIAL

URGING THE UNITED STATES CONGRESS TO AMEND THE CLEAN AIR ACT AND TO FULLY
CONSIDER THE IMPACT OF NEW REGULATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, the Clean Air Act is a federal law designed to minimize air
4 pollution nationwide; and

5 Whereas, the Clean Air Act requires the Environmental Protection Agency
6 (EPA) to enforce regulations intended to protect the public from air
7 pollutants believed to be hazardous to public health; and

8 Whereas, in 1970, Congress amended the Clean Air Act by mandating
9 comprehensive state and federal regulations for both stationary and
10 non-stationary sources of pollution; and

11 Whereas, the 1970 amendments dramatically expanded the EPA's regulatory
12 authority; and

13 Whereas, additional amendments adopted in 1990 expanded the Clean Air
14 Act by allowing the EPA to address acid rain, ozone depletion, gasoline
15 formulation and evaporative emissions; and

16 Whereas, in April 2009, the EPA issued an endangerment finding,
17 declaring that current and future greenhouse gas emissions pose a serious
18 threat to public health and safety, allowing the agency to regulate carbon
19 dioxide emissions; and

20 Whereas, as written, the Clean Air Act gives states, not the federal
21 government, the primary role in establishing and carrying out plans to comply
22 with EPA regulations; and

23 Whereas, as written, the Clean Air Act requires the EPA to consider the
24 economic impact of its proposed regulations; and

25 Whereas, in spite of these provisions, recent actions by the EPA
26 reflect a disturbing and legally questionable shift away from state and
27 towards federal primacy; and

28 Whereas, these actions include the EPA's recent rejection of Arizona's
29 State Implementation Plan for Regional Haze, which may cost Arizona consumers
30 as much as one billion dollars for new technology that will make an
31 imperceptible improvement in air quality compared to the state's plan; and

32 Whereas, while Americans support efforts to improve air quality, such
33 efforts should be carefully balanced to ensure that the cost of new
34 regulations on the economy do not exceed potential benefits; and

35 Wherefore your memorialist, the Senate of the State of Arizona, the House of
36 Representatives concurring, prays:

37 1. That the United States Congress amend the Clean Air Act to further
38 clarify that the states, not the EPA, have the primary role in developing
39 plans for regulating air pollutants and fully consider the impact of new
40 regulations on the state and national economy before approval or
41 implementation of new regulations.

42 2. That the Secretary of State of the State of Arizona transmit copies
43 of this Memorial to the President of the United States Senate, the Speaker of
44 the United States House of Representatives and each Member of Congress from
45 the State of Arizona.