

Senate Engrossed
clean air act; EPA powers

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE CONCURRENT MEMORIAL 1004

A CONCURRENT MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES TO LIMIT THE AUTHORITY OF THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, in 1970, the United States Environmental Protection Agency
4 (EPA) was established to reduce environmental risks and ensure that
5 Americans have clean air, land and water; and

6 Whereas, the Clean Air Act of 1970 authorized the development of
7 comprehensive federal and state regulations to limit emissions from both
8 stationary industrial sources and mobile sources; and

9 Whereas, section 112 of the Clean Air Act allows for the regulation
10 of hazardous air pollutants but does not include carbon dioxide (CO2) or
11 methane; and

12 Whereas, greenhouse gases like CO2 and methane are not acutely toxic
13 like other hazardous pollutants and have no direct impact on human health;
14 and

15 Whereas, there is no consensus as to whether global warming is a
16 problem or a benefit or how current temperatures fit into the broader
17 climate context; and

18 Whereas, global temperatures, droughts, floods and hurricanes have
19 not increased with increasing global CO2 emissions; and

20 Whereas, the EPA has no explicit statutory authority to regulate
21 greenhouse gases; and

22 Whereas, under the "major questions doctrine" as applied in West
23 Virginia v. Environmental Protection Agency in 2022, the United States
24 Supreme Court ruled that the EPA does not have the authority to regulate a
25 fundamental sector of the economy without clear authorization from
26 Congress; and

27 Whereas, Congress has not amended the Clean Air Act to provide such
28 authorization to the EPA; and

29 Whereas, the continued regulation of greenhouse gases by the EPA
30 violates the separation of powers doctrine.

31 Wherefore your memorialist, the Senate of the State of Arizona, the House
32 of Representatives concurring, prays:

33 1. That the Congress of the United States clearly define the EPA's
34 powers and duties and end the EPA's regulation overreach on the economy.

35 2. That the Secretary of State of the State of Arizona transmit a
36 copy of this Memorial to the President of the United States Senate, the
37 Speaker of the United States House of Representatives and each Member of
38 Congress from the State of Arizona.