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Select Committee on
Energy Independence and Global Warming
U.S. House of Representatives

March 7, 2008

The Honorable Stephen L. Johnson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

I am writing to reiterate the Committee's request for specific documents related to the EPA's response to the Supreme Court's decision in *Massachusetts v. EPA*. This request has been pending for some time and it will interfere with the work of the Committee if these documents are not provided prior to the Committee's hearing on March 13, 2008 to examine these very issues. It is deeply disturbing that after having received your personal commitment that these documents would be provided in advance of the hearing, your staff is now telling the Committee that in fact you do not plan to submit them voluntarily.

To review the background of this request:

1. On January 15, 2008, I sent you a letter requesting your testimony at a Select Committee hearing. That letter also requested a copy of EPA's proposed standard for regulation of greenhouse gas (GHG) emissions from motor vehicles. That document is of interest because, according to a December 21, 2007 article in the Los Angeles Times, it reported that "the proposed standard cleared all EPA internal reviews and was forwarded to the Department of Transportation" the week of December 10, 2007.
2. On the afternoon of January 28, 2008, I spoke with you directly and during that phone conversation you committed to (a) appear before the Select Committee, and (b) provide both the Agency's proposed green house gases regulations as well as its proposed "endangerment finding," which had been submitted to the White House Office of Management and Budget.

Given your personal commitments and the long-pending request, I find it troubling that last night my staff was informed that you do not plan to voluntarily comply with your commitment to provide the Committee with these documents. I wanted to be sure that you were personally aware of these developments and I expect you to reverse your staff's refusal to supply the requested documents so further action by the Committee is not necessary.

Hon. Stephen L. Johnson
March 7, 2008
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If the basis for withholding these documents is a claim of executive privilege, then please advise on when that determination was made and the process you went through to substantiate your claim. Let me be clear that this request is made in the context of the work of the Committee and pursuant to the Rules of the House and the authorities conferred under H. Res. 202, and as such any discussion of FOIA exemptions is inapposite.

Sincerely,

A handwritten signature in black ink that reads "Ed Markey". The signature is written in a cursive, slightly slanted style.

Edward J. Markey

Chairman