

1 **JOINT RESOLUTION OPPOSING THE ENVIRONMENTAL**
2 **PROTECTION AGENCY'S REGULATION OF GREENHOUSE**
3 **GASES**

4 2011 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Roger E. Barrus**

7 Senate Sponsor: Wayne L. Niederhauser

8
9 **LONG TITLE**

10 **General Description:**

11 This joint resolution of the Legislature expresses opposition to the Environmental
12 Protection Agency's regulation of Greenhouse Gases without Congressional approval.

13 **Highlighted Provisions:**

14 This resolution:

15 ▶ calls on Congress to adopt legislation prohibiting the Environmental Protection
16 Agency (EPA) from regulating greenhouse gas (GHG) emissions without
17 Congressional approval including, if necessary, not funding EPA greenhouse gas
18 regulatory activities;

19 ▶ calls on Congress to impose a moratorium on the promulgation of any new GHG
20 regulation by the EPA for a period of at least two years, except to directly address
21 an imminent health or environmental emergency;

22 ▶ calls on Congress to require the current administration to carry out a study
23 identifying all regulatory activity that the EPA intends to undertake in furtherance of
24 its goal of "taking action on climate change and improving air quality" and provide
25 an objective cost-benefit analysis and cumulative effect that the EPA's current and
26 planned regulation will have on global climate, public health, the U.S. economy,
27 jobs, and economic competitiveness in worldwide markets; and



28 ▶ expresses support for continuing improvements to the quality of the nation’s air and
29 declares that such improvements can be made without damaging the economy as
30 long as there is a full understanding of the cost and benefit of the regulations at
31 issue.

32 **Special Clauses:**

33 None



35 *Be it resolved by the Legislature of the state of Utah:*

36 WHEREAS, concern is growing that with the failure of cap-and-trade legislation in
37 Congress the United States Environmental Protection Agency (EPA) is attempting to reduce
38 greenhouse gas (GHG) emissions through the adoption and implementation of regulations
39 without Congressional approval;

40 WHEREAS, the EPA is proposing numerous new rules to regulate GHG emissions as
41 pollutants through the Clean Air Act;

42 WHEREAS, the EPA has not performed any comprehensive study of the environmental
43 benefits of its GHG regulation in terms of impacts on global climate;

44 WHEREAS, the EPA's regulatory activity of GHG has numerous and overlapping
45 requirements that are likely to have major effects on the nation's economy, jobs, and U.S.
46 competitiveness in worldwide markets;

47 WHEREAS, neither the EPA nor the current administration has undertaken any
48 comprehensive study on the cumulative effect that regulating GHGs will have on the nation's
49 economy, jobs, and U.S. competitiveness;

50 WHEREAS, state agencies are routinely required to identify the costs of their
51 regulations and to justify those costs in light of the benefits;

52 WHEREAS, since the EPA has identified "taking action on climate change and
53 improving air quality" as its first strategic goal for the time frame of 2011-15, it should be
54 required to identify the specific actions it intends to take to achieve these goals and to assess
55 the cumulative effect of these actions on public health, climate change, and on the U.S.
56 economy;

57 WHEREAS, the primary goal of government at the present time must be to promote
58 economic recovery and to foster a stable and predictable business environment that will lead to

59 the creation of new jobs; and

60 WHEREAS, the public's health and welfare will suffer without significant new job
61 creation and economic improvement since environmental improvement is most successful in a
62 society that generates wealth:

63 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah calls
64 on Congress to adopt legislation prohibiting the United States Environmental Protection
65 Agency (EPA) from regulating greenhouse gas (GHG) emissions without Congressional
66 approval, including, if necessary, not funding EPA greenhouse gas regulatory activities.

67 BE IT FURTHER RESOLVED that the Legislature calls on Congress to impose a
68 moratorium on the promulgation of any new GHG regulation by the EPA for a period of at
69 least two years, except for the need to directly address an imminent health or environmental
70 emergency.

71 BE IT FURTHER RESOLVED that the Legislature calls on Congress to require the
72 Administration to carry out a study identifying all regulatory activity that the EPA intends to
73 undertake in furtherance of its goal of "taking action on climate change and improving air
74 quality" and provide an objective cost-benefit analysis and cumulative effect that EPA's current
75 and planned regulation will have on global climate, public health, the U.S. economy, jobs, and
76 economic competitiveness in worldwide markets.

77 BE IT FURTHER RESOLVED that the Legislature expresses its support for continuing
78 improvements to the quality of the nation's air and declares that such improvements can be
79 made without damaging the economy as long as there is a full understanding of the costs and
80 benefits of the regulations at issue.

81 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Majority
82 Leader of the United States Senate, the Speaker of the United States House of Representatives,
83 the President of the United States, **§→ the governor of each state outside of Utah, the Senate**
83a **President or President pro tem and the Speaker of the House of each state legislature outside**
83b **of Utah ←§** and to the members of Utah's Congressional Delegation.

Legislative Review Note
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Office of Legislative Research and General Counsel