

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

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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, and to the members of Utah's Congressional Delegation.

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**Legislative Review Note**  
as of 2-1-11 10:51 AM

**Office of Legislative Research and General Counsel**