



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 7 2008

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Edward J. Markey
Chairman
Select Committee on Energy Independence & Global Warming
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This is in response to your letter of January 15, 2008, in which you invited Environmental Protection Agency (EPA or Agency) Administrator Stephen L. Johnson to testify before the Select Committee regarding a number of issues identified in your letter, as well as requested that EPA provide you a copy of documents referenced in a December 21, 2007 *Los Angeles Times* article.

EPA respects your role as Chairman and is committed to accommodating to the extent possible the Select Committee's request for information to assist with its hearing. As the Administrator discussed with you recently, he plans to appear before the Select Committee at its March 13 hearing. His written testimony prepared in anticipation of the hearing will address issues raised by your letter. He also looks forward to responding to any questions you might have at the hearing.

Your letter also requested that EPA provide you with copies of documents mentioned in a December 21, 2007 *Los Angeles Times* article. We believe the *Los Angeles Times* may have been referencing a preliminary document regarding draft proposed vehicle regulations. Contrary to assertions in the article, the document is still in draft form, and has not been finalized. As a preliminary draft, the document you reference would constitute part of the deliberative process in the development of a regulatory action. Because EPA has not finalized any vehicles text, the document you reference does not reflect the final thinking of the Agency.

EPA is continuing to consider how best to proceed regarding any regulatory action that would affect emissions of greenhouse gases. While this process continues, EPA has an interest in ensuring that incomplete and/or inaccurate information is not disseminated and, more importantly, that candid discussions are encouraged. Disclosure of pre-decisional information could compromise the ongoing deliberative process, as well as result in needless public confusion about the status of EPA's efforts on this issue. Disclosure of information at this stage in the deliberative process could also raise questions about whether the Agency's actions were being taken in response to or

influenced by proceedings in a legislative or public forum rather than through the established administrative process. For these reasons, EPA does not believe it would be appropriate to share the document referenced in the *Los Angeles Times* article at this time.

If you would like to discuss other possible accommodations, or if you have questions in advance of the hearing, please contact me or have your staff call Anthony Reed in my office at (202) 564-3109.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Bliley', with a long horizontal flourish extending to the right.

Christopher P. Bliley
Associate Administrator