

## ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

### ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at [www.SourceWatch.org](http://www.SourceWatch.org).

**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

[Home](#) → [Model Legislation](#) → Energy, Environment, and Agriculture

### Ozone Attainment State Implementation Plan Act

#### Summary

An Act requiring public hearings and legislative review of any proposed state actions related to the atmospheric transport of ozone, including draft and final State Implementation Plans or other legally enforceable commitments to be submitted to the U.S. Environmental Protection Agency. Requiring prior legislative approval of prohibiting the submission of State Implementation Plans or other legally enforceable commitments under certain circumstances.

#### Model Legislation

**Section 1. {Short Title}** This Act may be referred to as the Ozone Attainment State Implementation Plan Act.

#### Section 2. {Definitions}

A. The following word, in this Act, has the meaning set forth below:

"**Stakeholder**" means, but is not necessarily limited to, representatives of state and local governments, including elected officials, and representatives of consumer, business, labor, civic, and environmental organizations.

**Section 3. {Findings and Purposes}** The **{Insert Chamber}** of the State of **{Insert State}** hereby finds that:

A. The Federal Clean Air Act, as amended, 41 U.S.C.7401 et seq., contains a comprehensive regulatory scheme for the control of emissions from mobile and stationary sources.

B. Ozone and other pollutants have declined substantially during the past 25 years through the United State due to the use of improved technologies by business, industry and consumers, and implementation of the Clean Air Act, and additional air quality improvements will result as the 1990 Clean Air Act Amendments are implemented;

C. Implementation of the Clean Air Act, as amended, together with other local emission control actions, will help states to attain the national ambient air quality standard for ozone;

D. In response to concerns raised by certain northeastern states about the interstate transport of ozone, the U. S> Environmental Protection Agency has convened the Ozone Transport Assessment Group("OTAG"), involving representative from 37 eastern states, including {INSERT STATE}, to consider means to reduce the atmospheric transport of ozone;

E. Ground-level ozone, a main ingredient of urban smog, is cause by the photochemical reaction of natural and manmade emissions of nitrogen oxides and volatile organic compound by sunlight on hot days;

F. Computer modeling studies prepared by OTAG indicate that: ozone nonattainment is caused predominantly by local emission sources in densely-populated urbanized areas; emissions originating in {INSERT STATE} do not contribute significantly to ozone nonattainment in other states or regions; and even extreme emission controls imposed locally or in upwind areas would not permit a few densely-populated urban areas to demonstrate attainment of the national ozone standard;

G. In June 1997, OTAG recommended several potential emission control options for states to consider as they develop plans for meeting the federal ozone standard, and further advised that "states must have the opportunity to conduct additional local and subregional modeling and air quality analyses, as well as develop and propose appropriate levels and timing of controls." OTAG recommendations for emission control actions will form the basis for U.S. Environmental Protection Agency enforcement actions under the Clean Air Act, including the preparation and submission of State Implementation Plans potentially requiring emission control actions in {INSERT STATE} not specifically mandated by the Clean Air Act Amendments of 1990;

H. On November7, 1997, before additional local or subregional modeling could be completed, the U.S. Environmental Protection Agency initiated a proposed rulemaking proceeding (62 Fed. Reg. 60318) calling for extensive reductions of ozone-precursor emissions in a 22-state regions including the {INSERT STATE}, which reductions may not be needed to attain the federal ozone standard in the {INSERT STATE}; Emission controls for stationary and mobile sources proposed by OTAG are more stringent and more costly than those mandated by the Clean Air Act Amendments of 1990, and could impair the competitiveness of businesses and industries in {INSERT STATE}, with

Did you know the trade group for the gas industry was a corporate co-chair in 2011?

negligible environmental benefits, and with adverse effects on employment, economic development, and income in {INSERT STATE};

I. Legislative oversight of proposed regulatory actions related to the control of ozone and precursor emissions generated by sources in {INSERT STATE}, including the preparation and submission of State Implementation Plans or other legally enforceable commitments for ozone attainment, is in the public interest.

#### **Section 4. {Review of Proposed State Implementation Plans Related to Ozone}**

A. Upon the issuance of a request by the U.S. Environmental Protection Agency for submission of a State Implementation Plan or other legally enforceable commitments for {INSERT STATE} related to Ozone attainment, the {INSERT AGENCY ADMINISTRATOR} of the {INSERT APPROPRIATE STATE AGENCY} shall immediately notify the {INSERT APPROPRIATE LEGISLATIVE COMMITTEE} of such request, and shall provide the {INSERT APPROPRIATE LEGISLATIVE COMMITTEE} with copies of any State Implementation Plan or other legally enforceable commitments prepared pursuant to such request, not less than 60 days prior to the submission of any such State Implementation Plan or other legally enforceable commitments to the U.S. Environmental Protection Agency;

B. Within a reasonable time following receipt of the aforesaid State Implementation Plan or other legally enforceable commitments, the {INSERT APPROPRIATE LEGISLATIVE COMMITTEE} shall convene public hearings to receive comments from agencies of government and other interested parties on the prospective economic and environmental impacts of said State Implementation Plan or other legally enforceable commitments. Including impacts on energy use, the environment, economic development, utility costs and rates, transportation fuel costs, and industrial competitiveness;

C. In the absence of a resolution or other act of the {INSERT CHAMBER} approving same, the {INSERT AGENCY ADMINISTRATOR} of the {INSERT APPROPRIATE STATE AGENCY} shall not submit to the U.S. Environmental Protection Agency any State Implementation Plan or other legally enforceable commitments related to ozone attainment that would impose emission controls in {INSERT STATE} more stringent than necessary for {INSERT STATE} to demonstrate attainment with any national ambient air quality standard for ozone, or adopt any regulations implementing such State Implementation Plan or other legally enforceable commitments, unless it can be shown: 1.) that manmade emission sources located within {INSERT STATE} contribute significantly to nonattainment or inability to maintain an ozone standard in another state, and 2.) that feasible emission reduction in such other nonattaining state would not permit such state to demonstrate attainment and maintenance of an ozone standard;

D. Regulations implementing any State Implementation Plan or other legally enforceable commitments submitted to the {INSERT APPROPRIATE LEGISLATIVE COMMITTEE} under paragraph (A) shall not take effect until the later of :

(1) sixty days after the State Implementation Plan or other legally enforceable commitment was submitted to the {INSERT APPROPRIATE LEGISLATIVE COMMITTEE} under paragraph (A); or (2) the written approval of the State Implementation Plan or other legally enforceable commitment by the U.S. Environmental Protection Agency;

E. Where there is a determination, pursuant to paragraph 2 above, that manmade emissions originating {INSERT STATE} are contributing significantly to another state's inability to attain or maintain an ozone National Ambient Air Quality Standard, then the {INSERT APPROPRIATE STATE AGENCY} shall convene a stake holder process among affected areas, with opportunity for public participation, to develop cooperative approaches for resolving interstate ozone transport issues.

#### **Section 5. {Severability Clause}**

#### **Section 6. {Repealer Clause}**

#### **Section 7. {Effective Date}**

Were your laws repealed?

*Adopted by ALEC's Natural Resources Task Force at the March 20, 1998 Task Force Meeting. Approved by full ALEC Board of Directors April, 1998.*

**About Us and ALEC EXPOSED.** The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish [www.PRWatch.org](http://www.PRWatch.org), [www.SourceWatch.org](http://www.SourceWatch.org), and now [www.ALECExposed.org](http://www.ALECExposed.org). For more information contact: [editor@prwatch.org](mailto:editor@prwatch.org) or 608-260-9713.