

RALPH M. HALL, TEXAS
MICHAEL BILIRAKIS, FLORIDA
VICE CHAIRMAN
FRED UPTON, MICHIGAN
CLIFF STEARNS, FLORIDA
PAUL E. GILLMOR, OHIO
NATHAN DEAL, GEORGIA
ED WHITFIELD, KENTUCKY
CHARLIE NORWOOD, GEORGIA
BARBARA CUBIN, WYOMING
JOHN SHIMKUS, ILLINOIS
HEATHER WILSON, NEW MEXICO
JOHN B. SHADEGG, ARIZONA
CHARLES W. "CHIP" PICKERING, MISSISSIPPI
VICE CHAIRMAN
VITO FOSSELLA, NEW YORK
ROY BLUNT, MISSOURI
STEVE BUYER, INDIANA
GEORGE RADANOVICH, CALIFORNIA
CHARLES F. BASS, NEW HAMPSHIRE
JOSEPH R. PITTS, PENNSYLVANIA
MARY BONO, CALIFORNIA
GREG WALDEN, OREGON
LEE TERRY, NEBRASKA
MIKE FERGUSON, NEW JERSEY
MIKE ROGERS, MICHIGAN
C.L. "BUTCH" OTTER, IDAHO
SUE MYRICK, NORTH CAROLINA
JOHN SULLIVAN, OKLAHOMA
TIM MURPHY, PENNSYLVANIA
MICHAEL C. BURGESS, TEXAS
MARSHA BLACKBURN, TENNESSEE

ONE HUNDRED NINTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

JOE BARTON, TEXAS
CHAIRMAN

June 30, 2006

JOHN D. DINGELL, MICHIGAN
RANKING MEMBER
HENRY A. WAXMAN, CALIFORNIA
EDWARD J. MARKEY, MASSACHUSETTS
RICK BOUCHER, VIRGINIA
EDOLPHUS TOWNS, NEW YORK
FRANK PALLONE, JR., NEW JERSEY
SHERROD BROWN, OHIO
BART GORDON, TENNESSEE
BOBBY L. RUSH, ILLINOIS
ANNA G. ESHOO, CALIFORNIA
BART STUPAK, MICHIGAN
ELIOT L. ENGEL, NEW YORK
ALBERT R. WYNN, MARYLAND
GENE GREEN, TEXAS
TED STRICKLAND, OHIO
DIANA DEGETTE, COLORADO
LOIS CAPPES, CALIFORNIA
MIKE DOYLE, PENNSYLVANIA
TOM ALLEN, MAINE
JIM DAVIS, FLORIDA
JAN SCHAKOWSKY, ILLINOIS
HILDA L. SOLIS, CALIFORNIA
CHARLES A. GONZALEZ, TEXAS
JAY INSLEE, WASHINGTON
TAMMY BALDWIN, WISCONSIN
MIKE ROSS, ARKANSAS

BUD ALBRIGHT, STAFF DIRECTOR

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing with respect to the Environmental Protection Agency's (EPA) Green Power Partnership (Partnership). According to EPA materials, the Green Power Partnership "provides assistance and recognition to organizations that demonstrate environmental leadership by choosing green power." I am concerned that certain provisions of the program are inconsistent with the recently-enacted Energy Policy Act of 2005 (EPAAct 2005).

To increase the diversity of energy sources available in the United States, EPAAct 2005 provides incentives for the production of renewable energy from a broad range of sources. While EPA's Partnership seems to support that goal by facilitating the purchase of renewable energy or "green power," I am concerned that the Partnership unnecessarily and inappropriately restricts the field of renewable energy technologies that qualify for inclusion. By adopting the definition of renewable energy crafted by a third-party non-governmental organization called "Green-e," EPA has adopted a standard inconsistent with the definition of renewable energy in EPAAct 2005 and with many other Federal statutes spanning over two decades.

Section 203 of EPAAct 2005 (42 U.S.C. 15852) requires Federal agencies to purchase specific percentages of electricity from renewable energy sources. This provision lists the technologies that qualify for renewable status, and is consistent with many other Federal laws. Some technologies, which Congress specifically included in Section 203 (such as waste-to-energy, the combustion technology by which municipal solid waste is converted into energy), are not included as part of the Partnership.

Furthermore, the definition of renewable energy under the Partnership varies by geographic region and is defined as energy produced from facilities that were placed in service after January 1, 1997. Under the Partnership's adopted definition, a renewable technology in New York may not be a renewable technology in Ohio. In addition, a wind turbine placed in service on January 1, 1997 is renewable, but a wind turbine placed in service the day before is not. This illustrates the subjective nature of the third-party definition of qualifying renewable energy upon which the Partnership relies.

Please provide to me by Friday, July 28, 2006, a description of the statutory authority under which the Partnership was created, the regulatory authorities by which the Partnership operates, and the efforts you have underway to modify the Partnership requirements to be consistent with renewable energy definitions in EPCRA 2005.

I look forward to continuing to work with you on these important matters in the future.

Sincerely,



Joe Barton
Chairman

cc: The Honorable William Wehrum