

ActionAid USA · Earthjustice · Environment America · Environmental Defense Fund
Greenpeace USA · League of Conservation Voters · Natural Resources Defense Council
Oxfam America · Sierra Club · World Wildlife Fund

July 27, 2011

Dear Representative,

We strongly urge you to oppose the European Union Emissions Trading Scheme Prohibition Act of 2011, which would force U.S.-based airlines to violate a European anti-pollution law. By making it illegal for airlines to comply with the European law, the bill would not only worsen air pollution, but would also make it impossible for U.S.-based airlines to provide service to and from Europe. As a result, foreign-based carriers would be the only option for Americans flying to Europe.

The bill is premised on fundamentally erroneous legal and policy assumptions. Contrary to the bill's assumptions, the Aviation Directive is carefully crafted to fall well within the requirements of international law. It is non-discriminatory and applies even-handedly to all flights landing in or departing from EU airports regardless of origin or destination, and to the operators of those flights regardless of the airline's home country. The program requires a 3% emissions reduction (compared to a 2004-2006 baseline) by 2013, and a 5% reduction by 2020; it is flexible in design, giving airlines multiple compliance options to meet these emissions control obligations. Moreover, flights arriving from countries with programs equivalent to the EU's are exempted altogether.

Although some of the bill's sponsors have claimed that they support carbon reductions but believe the sole appropriate forum for addressing these issues is the UN's International Civil Aviation Organization (ICAO), that assertion is unrealistic to the point of irresponsibility. ICAO has attempted through a dozen years of international negotiations to address aviation pollution, and has yet to develop – much less adopt – standards to control these emissions. In the absence of a global agreement on reducing carbon pollution from the aviation industry, action by the EU on flights arriving in or departing from Europe is a sensible first step. It gives airlines complete flexibility in deciding when, where and how to reduce their carbon pollution. Furthermore, U.S.-based airlines have already requested a substantial amount of free permits from the EU, which would cover the vast majority of their compliance obligations.

In addition, since increased efficiency is one of the principle ways of achieving reductions, the EU law sends an important signal to airlines that investments in more fuel-efficient aircraft will be rewarded now and into the future – including aircraft such as

the Boeing 787, which its producer characterizes as having “unmatched fuel efficiency” and using “20 percent less fuel for comparable missions than today's similarly sized airplane.”^[1] Undercutting such incentives is bad for airlines, aircraft makers, air passengers and effective emission reduction efforts alike.

Sincerely,

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^[1]<http://www.boeing.com/commercial/787family/background.html>