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Environmental Defense Fund • Greenpeace USA • Interfaith Power & Light • KyotoUSA
League of Conservation Voters • Natural Resources Defense Council • Oxfam America
Sierra Club • US Climate Action Network • World Wildlife Fund

May 20, 2011

Dear Senator,

As you begin conference committee deliberations on the FAA reauthorization bill, we urge you to reject the House-passed “Sense of the Congress” language asserting that the European Union’s Aviation Directive is inconsistent with international law (H.R. 658, sec. 511). No similar language is included in the Senate bill (S.233), and it appears that such language was not considered at any time during the Senate debate on the measure. More fundamentally, the language is flatly wrong as a matter of law, and would hamper incentives to enhance aircraft fuel efficiency.

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.

A dozen years of international negotiations attempting to address aviation pollution have yet to yield standards to control these emissions. In the absence of a global agreement on reducing carbon pollution from the aviation industry, action by the EU 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 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.

Please ensure that the ill-considered House provision is not included in the final version of the Act as reported by the Conference Committee.

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

Sincerely,

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