



THE AMERICAN WORKING GROUP FOR NATIONAL POLICY, INC.

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"Promoting a sustainable economy and environment through education and accountability."

February 27, 2006

John McCain, United States Senator
Attn: Mark Salter, Chief of Staff
VIA FACSIMILE: 202-228-2862

Dear Senator McCain:

You are to be congratulated for your environmental concerns and positions relative to global climate change caused by man-made pollution. As you are aware, commercial jet aircraft emissions pollution is not only a significant local/regional concern for disease and health reasons, but also of high importance as a key driver for global climate change, due to emissions depositions (moisture, green-house gasses, toxics, etc.) in the upper atmosphere (unlike most earth-bound sources whose emissions are relatively contained by the inversion layer).

The air-industry is keenly aware of these substantial impacts and is working to exempt themselves from any regulatory demands for curtailment or improvement, most recently in the world-wide forum through inclusion of limiting clauses in the Open Skies draft treaty agreement with the European Union. We request that you investigate this bold move by the air-industry to eliminate any U.S. citizenry and congressional control over such emissions and impacts, by intervening in that treaty drafting proceeding.

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First, the multi-national air transportation industry worked (quite successfully) U.S. laws to largely exclude any individual states from having (legal) jurisdiction over airline/airport operations.

Next, the US Environmental Protection Agency was stripped of its powers to regulate significant air transportation industry environmental issues. They became an "advisor", with regulatory enforcement powers assigned instead to the Federal Aviation Administration. Then the industry co-opted the FAA, a federal agency that is now both the regulator and the booster for the air industry.

Now that industry, through the co-opted federal agencies, is attempting to "curb national powers" in the international environmental sphere, the [European Union] Open Skies Treaty, leaving, one supposes, all of those "decisions" to the supra-national, air-industry controlled United Nations International Civil Aviation Organization or other international venue. This would be worthy of a "Chutzpa of the year" award, if it weren't so serious and blatantly bad for U.S. and world citizens.

An Australian law review¹ was concerned enough about the movement to call this one of the most concerning affronts to democracy. "It is a documented reality that the powerful agenda of the airlines is supported by federal government...[This is a] wake-up call for those Panglossians who believe we live in the best of all possible (democratic) worlds."

Yet, it's "our government" that's pushing it! [viz. air-industry lobbyists' money and influence on the FAA and Congress.] Since this is a treaty issue and treaties must be approved by Congress, our Congress should react strongly and negatively, informing the FAA to "back off" and, if not, to pass a new law prohibiting the assignment of U.S. environmental decisions and law/rule-making to any organization in the world, except the U.S. Congress and the US-Environmental Protection Agency.

Furthermore, the allowance of foreign ownership and control of U.S. airlines, which the air industry is in favor of (by increasing allowable foreign ownership from 25% to 49% max.) should be also specifically denied by Congress, for numerous reasons, not the least of which is U.S. environmental issues and 9-11. Imagine a future where China owns our major airlines, with little allegiance to "buying U.S." from the last major U.S. aircraft manufacturer (Chicago-based Boeing).

Imagine further, noise, air, climate, and, other pollution problems generated by foreign (and U.S.) aircraft being totally out of the control of U.S. citizens, due to assignment to airline (China)-controlled supra-national ICAO or other economic globalization "treaty" functionaries. Imagine finally that major airport control is handed over to foreign operations, as our federal administration is attempting to do with our sea-ports (and which Chicago Mayor Daley did with the Chicago Skyway recently). Such a future for America is totally unacceptable.

Washington needs to protect its citizens not the multi-national air transportation industry.

Thank you.

Sincerely,

[transmitted]

Jack Saporito
President

¹ "What individual rights in a free-market economy?" Law Society Journal, April 2005, Journal of the Law Society of New South Wales, Sydney, Australia.

*Reference

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Open skies' pact limits green efforts

LONDON, Feb. 20 (UPI) -- A draft treaty between the United States and the European Union is to curb national powers to impose environmental taxes or restrictions on aviation.

According to a draft obtained by Britain's Guardian newspaper, the "open skies" treaty will require European countries and the United States to reach agreement before implementing measures to reduce noise or pollution from airlines.

The news has enraged environmental activists, who say the rapid growth of airline travel is one of the key contributing factors in global warming. Aviation emissions rose by 12 percent in 2005 and now account for the fastest growing share of Britain's total emissions, currently 11 percent. Some campaigners and politicians, including French President Jacques Chirac, have proposed a levy on airline tickets or taxes on aviation fuel. The draft pact would render these impossible without trans-Atlantic agreement.

Article 14 of the draft pact prohibits the unilateral implementation of any environmental measures which could have "possible adverse effects" on the free traffic of aircraft. It states signatories to the treaty must "recognize that the costs and benefits of measures to protect the environment must be carefully weighed." Any disagreement would be referred to arbitration.

The newspaper quoted industry sources as saying U.S. negotiators insisted on the inclusion of the clause in the treaty, which is intended to liberalize aviation. The U.S. administration is resistant to taxes on aviation fuel or an emissions-trading scheme which, it says, would force airlines out of business and lead to job losses.

But according to insiders in the British government, Transport Secretary Alistair Darling wants the clause altered or removed.

However no single country will have a veto on the treaty, which will be subject to an EU vote requiring 65 percent of member states to approve it. But a senior EU official stressed that the document was a draft and subject to change.