



EPA to Regulate Milk Spills — Seriously!

Despite the old saying, “Don’t cry over spilled milk,” the Environmental Protection Agency is doing just that.

We all understand why the Environmental Protection Agency was given the power to issue regulations to guard against oil spills, such as that of the *Exxon Valdez* in Alaska or the more recent BP oil spill in the Gulf of Mexico. But not everyone understands that any power given to any bureaucracy for any purpose can be stretched far beyond that purpose.

In a classic example of this process, the EPA has decided that, since milk contains oil, it has the authority to force farmers to comply with new regulations to file “emergency management” plans to show how they will cope with spilled milk, how farmers will train “first responders” and build “containment facilities” if there is a flood of spilled milk.

Since there is no free lunch, all of this is going to cost the farmers both money and time that could be going into farming — and is likely to end up costing consumers higher prices for farm products.

It is going to cost the taxpayers money as well, since the EPA is going to have to hire people to inspect farms, inspect farmers’ reports and prosecute farmers who don’t jump through all the right hoops in the right order. All of this will be “creating jobs,” even if the tax money removed from the private sector correspondingly reduces the jobs that can be created there.

Does anyone seriously believe that any farmer is going to spill enough milk to compare with the *Exxon Valdez* oil spill or the BP oil spill?

Do you envision people fleeing their homes, as a flood of milk comes pouring down the mountainside, threatening to wipe out the village below?

It doesn’t matter. Once the words are in the law, it makes no difference what the realities are. The bureaucracy has every incentive to stretch the meaning of those words, in order to expand its empire.

The Equal Employment Opportunity Commission has expanded its definition of “discrimination” to include things that no one thought was discrimination when the Civil Rights Act of 1964 was passed. The Federal Communications Commission is trying to expand its jurisdiction to cover things that were never included in its jurisdiction, and that have no relationship to the reason why the FCC was created in the first place.

Yet the ever-expanding bureaucratic state has its defenders in the mainstream media. When President Obama recently mentioned the possibility of reducing burdensome regulations — as part of his moving





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of his rhetoric toward the political center, even if his policies don't move — there was an immediate reaction in a *New York Times* article defending government regulations.

Under a headline that said, "Obama May Find Useless Regulations Are Scarcer Than Thought," the *Times* writers declared that there were few, if any, "useless" regulations. But is that the relevant criterion?

Is there any individual or business willing to spend money on everything that is not absolutely useless? There are thousands of useful things out there that any given individual or business would not spend their money on.

When I had young children, I often thought it would be useful to have a set of the *Encyclopedia Britannica* for them. But I never bought one. Why? Because there were other little things to spend money on, like food, clothing and shelter.

By the time I could afford to buy a set of the *Encyclopedia Britannica*, the kids were grown and gone. But at no time did I consider the *Encyclopedia Britannica* "useless."

Weighing benefits against costs is the way most people make decisions — and the way most businesses make decisions, if they want to stay in business. Only in government is any benefit, however small, considered to be worth any cost, however large.

No doubt the Environmental Protection Agency's costly new regulations may somewhere, somehow, prevent spilled milk from pouring out into some street and looking unsightly. So the regulations are not literally "useless."

What is useless is making that the criterion.

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