



Written by [William F. Jasper](#) on January 19, 2015

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EPA: Time to Abolish, Not Merely Restrict

The federal SWAT team of nearly two dozen heavily armed agents from the EPA, FBI, and other agencies descended on the Canal Refining Co. in Church Point, Louisiana. Their target: Hubert P. Vidrine, Jr., the plant manager. His crime? Allegedly storing hazardous materials. His employees were herded up and treated like criminals. They were prevented from using the restrooms for several hours, as well as being denied the right to call their homes and daycare centers to make plans to have their children picked up.



That was in September 1996. It took the federal government more than three years, until December 1999, to indict Vidrine on one count of illegally storing a hazardous substance, during which time his name was publicly dragged through the mud, his liberties were greatly limited under pre-trial probation, and his family's finances were devastated. The case against Vidrine turned out to be completely bogus, a malicious fabrication. The federal prosecutors, realizing they would lose in court, dropped all charges before the start of the trial. On September 30, 2011, 15 years after being subjected to the grief and humiliation of the EPA's initial assault, Mr. and Mrs. Vidrine received a measure of redress, in the form of a decision by U.S. District Judge Rebecca Doherty awarding them \$1,677,000 in damages and legal costs.

"This Court finds probable cause did not exist to indict Hubert Vidrine, nor to doggedly pursue him for close to four years," said Judge Doherty. Moreover, she noted, the EPA's Keith Phillips "acted with malice" and "set out with intent and reckless and callous disregard for anyone's rights other than his own ... to effectively destroy another man's life."

Taking cognizance of the "egregious conduct displayed by an agent of the government and the devastation wrought on otherwise law-abiding citizens," Judge Doherty noted that if not for federal immunity law, which disallowed punitive damages, "this Court would have awarded punitive damages in the hope of deterring such reckless and damaging conduct and abuse of power in the future."

While a punitive judgment in the Vidrine case might have rendered some deterrent effect on the EPA's rampant abuses, the rogue agency's ongoing exercise of regulatory despotism is a clear sign that something more than a punitive judgment (paid for by the taxpayers) is needed. The EPA's SWAT raids have continued, and the agency has become the Obama administration's prime tool for usurping legislative powers and wreaking havoc upon our economy by executive fiat.

"Obamacare for the Atmosphere"

This past June, EPA Administrator Gina McCarthy (shown above) announced the Obama administration's draconian new restrictions on electrical power plants, supposedly aimed at combating the (nonexistent) threat of global warming by drastically cutting carbon dioxide emissions. A clue to the



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destructive potential of this unconstitutional EPA mandate can be found in the enthusiastic praise heaped on it by Daily Beast writer Jason Mark, who saw the “numbingly complex” nature of the new regulations as cause for rejoicing. “You can think of the power plant rules as Obamacare for the atmosphere,” [exulted Mark](#). And, like ObamaCare, the costs will continue to skyrocket, if Congress allows the EPA mandates to stand. In addition, more power plants will shut down and our power grid security will be compromised, with brownouts and blackouts becoming more and more common.

But the power plant rules are only the tip of the EPA iceberg that is ripping a gaping, lethal hole in the hull of the *USS Titanic*. In 2013, the EPA released its study entitled [Connectivity of Streams and Wetlands to Downstream Waters](#), which signaled a ramping up of the agency’s plans to claim regulatory authority over virtually all water within the United States. The agency is now asserting that “intermittent, and ephemeral streams, are physically, chemically, and biologically connected to downstream rivers via channels and associated alluvial deposits.” The same applies, says the EPA, to “vernal pools” and “prairie potholes” even if they are miles from any water reasonably considered “navigable.”

Obama’s EPA has grand visions of controlling everything under the sun: soot, road dust, rainwater runoff, pesticides, chlorine, methane, ozone, chloroflourocarbons, and, most especially, CO2 — human breath — which, far from being a pollutant, is a beneficial gas that is essential for plant life on this planet. All the EPA’s claims, naturally, are aimed at protecting the environment and are based on sound science. Right? If so, why has the agency steadfastly and repeatedly refused to allow independent scientists to review its work and even stonewalled congressional subpoenas to release the “science” it is using to impose hundreds of billions of dollars in costs on Americans?

On November 19, the U.S. House of Representatives passed H. R. 4012, [“The Secret Science Reform Act.”](#) to prohibit the EPA from “proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible.” That’s a start, but a better approach would be to follow the proposal of Representative Steve Stockman (R-Texas) to abolish this unconstitutional monstrosity, a solution that this magazine — along with the late Milton Friedman, Dr. Ron Paul, and many other freedom advocates — has championed since the EPA’s misbegotten birth in 1970.

Photo of EPA Administrator Gina McCarthy



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