



Written by [William P. Hoar](#) on September 18, 2017

Published in the September 18, 2017 issue of [the New American](#) magazine. Vol. 33, No. 18

Correction, Please!

Struggling to Unshackle Environmental Restraints

A sampling of news articles:

Item: *“Following the administration’s official repeal of the Clean Water Act, environmental groups vowed to fight the administration’s efforts to rollback [sic] water protections,” according to Think Progress for June 27. The “progressive” news blog piece was entitled “RIP, Obama’s Clean Water Rule,” with a subhead that claimed that the “rule protected the drinking water of 1 in 3 Americans.”*



Item: *Business Insider published a piece on June 1 about the alleged lack of impact of deregulating energy companies. The article was picked up from Mic, a news site with the reputation of catering to millennials. The article was headlined, “Trump is undermining environmental regulations to help energy companies, but it’s not working.”*

The president has said, wrote Will Drabold, that environmental “regulations hurt coal, oil and gas companies, limiting both their production and ability to put Americans to work. But to date, rolling back environmental regulations for fossil fuel companies has not improved company revenues or stock prices.” He did acknowledge that “there has been a turnaround in hiring in the extraction industries,” but said that was still down from its high in 2014.

Item: *An article, from “Common Sense News,” dated June 12, discussed proposed budget reductions for the Environmental Protection Agency and cuts of environmental regulations. The piece, originally published by CNN, was headlined “EPA regulation cuts likely to hurt children most, experts say.” All sorts of ills were predicted.*

Cited, among others, was a spokeswoman from the Center for Environmental Health. “Children exposed to chemicals and polluted air and water can put undue strain on social services, health care and the economy. Studies have showed [sic] that kids with lead poisoning often have lower lifetime earnings and therefore pay less in taxes because of ensuing brain damage, [Caroline] Cox said. They are also at higher risk for committing crimes and ending up in the criminal justice system, which is expensive in its own right.”

She also brought up the impact on the Clean Air Act. Cox said, “Without an agency to implement those laws, they’re just words on a piece of paper.”

Correction: Apparently life as we know it is going to cease if there is any reduction in the budget of the Environmental Protection Agency, which didn’t exist until 1970, or if there is any relief from a single one of the uncountable number of environmental regulations burdening the U.S. economy. Or so one would think from the hyperbolic claims of the green friends of Gaia.



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A meteorologist with the *Washington Post*, who previously was a staffer in the Obama administration and, according to his piece in the paper, worked on the EPA's "climate-change" map for five years. When the new administration took down the website (apparently to update it with its views), the "Weather Gang" guy went off the deep end, proclaiming that "its removal is a declaration of war." Really?!

While few anticipate that the coal industry is going to duplicate the halcyon days of the past by rolling back a few regulations, business is looking up. Yet, before the last elections, the compassionate progressives who love to tout their fondness for the little guy thought they had buried all those miners for good. The *Wall Street Journal* recalled, on August 17, that former EPA

Administrator Gina McCarthy proclaimed in 2015 that coal "is no longer marketable." She planned to be the lead undertaker. The Obama Administration worked tirelessly to fulfill her mission and may have succeeded had Hillary Clinton become President. "We're going to put a lot of coal miners and coal companies out of work," the 2016 Democratic nominee famously promised.

Yet the Trump Presidency seems to have lifted animal spirits and coal. Weekly coal production has increased by 14.5% nationwide over last year with even bigger bumps in West Virginia (19%), Pennsylvania (19.7%) and Wyoming (19.8%). Exports were up 58% during the first quarter from last year. Apparently coal can be marketable if regulators let it be.

The paper also recounted how the officials in the Obama administration took aim at the industry by imposing rules on "mercury emissions and ash disposal that would have made it next to impossible to build a new coal-burning power plant. Then came the 2015 Clean Power Plan that would have forced the existing fleet of coal plants into early retirement."

That wasn't all. These "anti-coal warriors sought to shut down coal's export potential," noted the paper. "Thick-seamed coal on federal land in the Powder River Basin overlying Wyoming and Montana is relatively clean-burning and inexpensive to mine. The Obama Interior Department suspended new coal leases on federal land last winter and then reassessed royalty payments — thereby reducing investment and profitability. In December came the coup de grâce: Interior's stream rule usurping state authority over permitting."

Photo: AP Images

This article appears in the September 18, 2017, issue of The New American.

But, given a reprieve, the industry has shown new life. And while the hypocritical Europeans aren't bragging about their reaction, it is instructive to see that they may not be as self-destructive as their ethical twins on this side of the pond. Said the *Journal* editors:

This is all horrifying to the climate-change lobby, but they might note that U.S. coal exports are rising to countries that claim climate-change virtue. Exports to France increased 214% during the first quarter of this year amid a nuclear power plant outage. Other European countries like Germany and the U.K. are utilizing U.S. coal to stabilize unreliable renewable sources and make up for electric capacity lost from the shutdown of nuclear plants. First-quarter coal exports were up 94% to Germany and 282% to the U.K. Et tu, Angela Merkel?

It makes it hard to compete when your own government is holding back business. Never mind that the United States of America is (at least in theory) a federal government — in other words, states are



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supposed to have almost full autonomy, even over environmental policy.

Meanwhile, the regulatory burden is much larger than most realize, with “green” restrictions being a major part of the problem. This stifling nature of regulations is the theme of a new report, “Prometheus Bound,” by Mark Mills of the Manhattan Institute. The author points out that such agencies have become a de facto fourth branch of government, with the regulatory state directly employing — with our money of course — about 30,000 people with a collective operating budget of more than \$60 billion a year. These regulators are, as the report says, constraining the nation’s economy “by creating and enforcing a bewildering tsunami of rules.”

Business as a whole, he notes,

suffers under the regulatory state, but manufacturers suffer disproportionately.... The average compliance cost — \$20,000 per year per employee — borne by manufacturing firms is more than double that incurred by other kinds of businesses. The smallest manufacturers (those with fewer than 50 employees) are hurt the most, with annual per-employee regulatory compliance costing nearly \$35,000.

The Environmental Protection Agency is among the worst offenders. The compliance costs of its manufacturing-related regulations are more than twice those of all other regulatory agencies combined.

Search as we might, we can find no evidence that James Madison, the “Father of the Constitution,” saw that the powers delegated to the federal government — which he termed “few and defined” — include the monitoring of free Americans to make sure that their grass is not too wet. Of course he was not in the Obama administration, which assumed that oversight authority from the “Waters of the United States” rule (or WOTUS, in fedspeak).

Repealing WOTUS was an early objective of the Trump administration and new EPA head Scott Pruitt. It was a good target. Keep in mind that “clean water” is not the real issue. Indeed, the president of the American Farm Bureau called the rule “a federal land grab designed to put a straitjacket on farming and private businesses across this nation. That’s why our federal courts blocked it from going into effect for the past two years.”

The rule is, as observed by *National Review* in June,

a textbook example of federal mission creep. For years, “waters of the United States” were defined as navigable interstate and coastal waterways, that “are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.”

Under the Obama administration, the EPA expanded the definition of waters under its regulatory jurisdiction to include any body of water that might possibly be used in interstate commerce: For example, a cow pond used to water livestock producing meat that might eventually be sold across state lines became, under the new rules, “jurisdictional,” as though it were the Erie Canal or the Everglades.

The Army Corps of Engineers language communicates the absurdity of this, describing federal jurisdiction over “mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds,” in addition to the familiar navigable waterways.

So in late July, the Trump EPA and U.S. Army Corps of Engineers released a proposal to rescind the WOTUS rule that expanded federal jurisdiction under the Clean Water Act.



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Another issue differentiating the Obama and Trump administrations has been the rules on methane — rules were not completed until late in the Obama administration. The courts are now in the middle of this. The Obama EPA claimed that “climate change” was, in key part, driven by this trace gas.

Columnist Paul Driessen was, rightfully, not impressed with the claim. Methane emissions from U.S. hydraulic fracturing operations, he pointed out in June 2016, “have plummeted 79% and from the overall U.S. natural gas sector by 11% since 2005.” Moreover, he wrote,

methane is a tiny 0.00017% of the atmosphere, the equivalent of \$1.70 out of \$1 million. According to the Intergovernmental Panel on Climate Change, 17% of that is from energy production and use; 26% comes from agriculture, landfills and sewage treatment; and the remaining 57% is from natural sources. (Carbon dioxide, the other climate bogeyman, is 0.04% of the atmosphere — 400 ppm.)

The United States accounts for *a mere 9%* of the world’s total manmade methane — and just 29% of that is from oil and gas operations that provide 63% of all the energy that powers America. That means U.S. oil and gas account for less than 3% of global manmade methane emissions — and thus just 0.000004% of all the methane in Earth’s atmosphere. That’s equivalent to *4 cents out of \$1 million!* [Emphasis in original.]

The stats are not going to give up their hold without a fight. And the war over controlling the environment is going to be a bruising one. There is a lot riding on this. The financial bottom line is important, but an even more essential contest is being fought over the fundamental direction of the government.

Katie Tubb and Nicolas Loris of the Heritage Foundation comment:

The Trump administration’s approach begins to get at the heart of good environmental policy: that decisions should be site and situation specific, and that decisions should be made closest to the people who have the most to gain or lose by those decisions.

Economically the Trump approach wins as well. Using the Energy Information Administration’s energy model, they write, a Heritage Foundation analysis

shows that lifting needless and duplicative restrictions on energy production will increase employment by an average of 700,000 jobs through 2035.

Along with the jobs comes \$3.7 trillion in additional gross domestic product that translates into an additional \$40,000 of cumulative income per family of four by 2035. Opening America’s coasts for business is integral to that projected growth.

Both the federal and state governments will benefit from increased revenue collection, too. Royalties from oil and gas operations on the Outer Continental Shelf are shared by states and the federal government (where portions are devoted to environmental programs).

With so much at stake, don’t expect this battle to be fair. The war over “clean air” and “clean water” is really over power — overweening government force. That is why the fight is so dirty.

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