

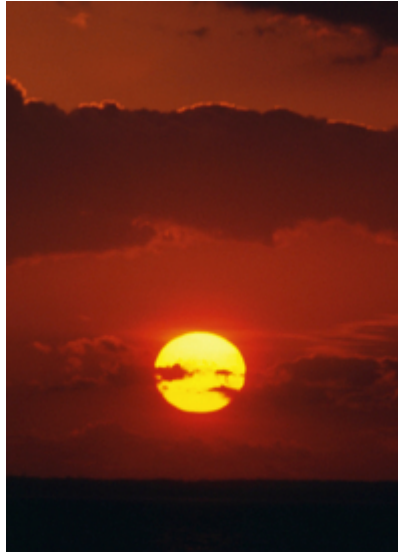


Written by [James Heiser](#) on January 10, 2011

Congressmen Plan Rollback of EPA Actions

The Environmental Protection Agency (EPA) recently received attention for pressing forward with its own version of the “cap and trade” scheme which the elected representatives of the American people refused to impose on the nation’s floundering economy.

[As reported for *The New American* several weeks ago](#), EPA Administrator Lisa Jackson’s unilateral action has drawn the ire of the legislative branch. Several Senators, including Mark Begich (D-Alaska), Mark Pryor (D-Ark.), Olympia Snowe (R-Maine), and David Vitter (R-La.), demanded that the Commerce Department and the EPA release all studies related to the projected economic costs of proposed EPA regulations. But there are greater “costs” to the EPA’s actions than those which can be analyzed on a spreadsheet:



But there is another “cost” to the unilateral actions undertaken by the EPA: a cost to the rule of law, and the enumerated powers designated to the Congress under the Constitution. One will search the Constitution in vain seeking for the existence of an Environmental Protection Agency — let alone its presumed authority to raise the cost of energy and oversee the balance of carbon dioxide in the global atmosphere. The authority of Congress to interfere in the marketplace is also quite limited, constitutionally-speaking, but at least that body is somewhat accountable to the electorate. The EPA’s present course of action — spurning inquiries from the Senate while arbitrarily imposing sweeping regulations — simply demonstrates that the growing bureaucratic apparatus may pursue its own agenda with little apparent concern that it will be held accountable for its actions.

It is clear that there are members of Congress who agree with this assessment, and are prepared to take action to rein in the rogue agency. According to a report by Geof Koss for *Congressional Quarterly*, two bills recently introduced in the House seek to roll back recent actions taken by the EPA:

Critics of new EPA limits on greenhouse gases are unleashing a legislative assault on the regulations as agency supporters promise an all-out fight to preserve its regulatory authority.

Forty-five House Republicans and one Democrat cosponsored legislation (HR 97) introduced Jan. 5 by Rep. Marsha Blackburn, R-Tenn., to exempt carbon dioxide from the Clean Air Act (PL 109-549).

That measure, unveiled just hours after the start of the 112th Congress, was followed Thursday by a bill authored by Rep. Shelley Moore Capito, R-W.Va., to suspend for two years EPA regulatory authority over greenhouse gases.



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“As I’ve learned first-hand, EPA Administrator Lisa Jackson is keenly committed to enforcing the administration’s anti-coal agenda with no regard for the devastating effects on our local and national economies,” Capito said in a statement.

Capito said she would prefer to terminate EPA’s regulatory authority entirely, but thought the two-year delay was more likely to pass. Sen. John D. Rockefeller IV, D-W.Va., said Thursday that he would soon reintroduce a companion bill he offered during the last Congress that never received a floor vote.

The bills are a response to EPA rules that took effect Jan. 2 and require new or expanded power plants, refineries and industrial facilities to reduce greenhouse-gas emissions. Critics say the regulations are an executive branch overreach that will curtail new energy production and hamper the economic recovery. Supporters call the claims overblown.

HR 97 would not only remove carbon dioxide from the list of pollutants; it would also delist water vapor and methane. The logic is plain: Carbon dioxide, which is released into the atmosphere through human respiration and other naturally occurring sources, is a regularly occurring trace gas in Earth’s atmosphere. It also seems hard to understand how methane and water vapor could credibly be considered “pollution.”

Other pollutants which HR 97 would delist include substances that are linked to modern existence: hydrofluorocarbons (which were introduced, [as the EPA admits](#), “as alternatives to ozone-depleting substances” — how many more government-approved, “environmentally friendly” substances will be demonized later?), perfluorocarbons (created during aluminum production and semiconductor manufacture), and sulfur hexafluoride (in the words of the EPA, SF6 “is used for insulation and current interruption in electric power transmission and distribution equipment, in the magnesium industry to protect molten magnesium from oxidation and potentially violent burning, in semiconductor manufacturing to create circuitry patterns on silicon wafers, and as a tracer gas for leak detection”). The delisting of these substances as pollutants regulated by the EPA does not mean they would not face potential regulation; it means that such regulation would actually have to be implemented through legislation.

Rolling back the actions undertaken by Lisa Jackson and the EPA is a vital step to restoring sanity to the discussion of genuine environmental concerns. Political appointees’ regulatory actions often seem to have little relationship to the actual will of the legislative branch that established their mandate in the first place.

The two-year delay set forth in Capito’s bill would mean transferring the debate over greenhouse gases and global warming into the next presidential election cycle, allowing the electorate to play a role in such a significant policy decision. Certainly it would also allow for more reasoned reflection over what regulatory role any part of the U.S. federal government could, or should, have over the global atmosphere. Allowing the EPA to restrict carbon dioxide emissions could further cripple the U.S. economy, but there is no guarantee it would have any meaningful effect on Earth’s atmosphere.



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