



Written by [James Heiser](#) on April 9, 2010

## EPA Increases Automobile Costs While Seizing Legislative Power

Environmental Protection Agency Administrator Lisa Jackson attracted international attention when, having apparently become bored waiting for the messy process of representative government to weigh the merits of the Obama administration's "cap and trade" scheme, simply declared the release of carbon dioxide to be a dangerous emission.

With the stroke of a pen, every human breath became a source of deadly pollution in the eyes of the federal agency that Jackson oversees.



Such regulatory fanaticism and seeming circumvention of the legislative process has made Jackson a darling of the environmentalist fringe, and thus the recipient of a great deal of sympathetic press coverage.

In an obvious display of advocacy journalism by a reporter in the tank for Jackson, *Newsweek's* Daniel Stone made his contribution to global warming with the following effluent in a recent article, "[Regulate, Baby, Regulate](#)":

As head of the U.S. Environmental Protection Agency, Jackson oversees the quality of America's air and water and monitors pollution levels. It's a job that endears her to green activists (and people who like clean air and water) — but it also puts her at odds with some of the nation's largest, richest industries.

And with the U.S. Constitution and common sense, for that matter.

Despite various efforts to defend the legality of Jackson's endangerment finding, even Stone concedes, "For starters, the Nixon-era Clean Air Act was never intended to regulate a pollutant as pervasive as carbon." It is helpful that Stone apparently concedes the action falls outside the intent of the law, but his designation of "carbon" as a "pollutant" adds an element of unintended humor, since carbon makes up [18 percent of the mass](#) of the average human body.

Later in the article, Stone declares,

Jackson knew that threatening to act by executive fiat wouldn't be popular.

But she also knew it would get people's attention and, along with Obama's drilling plan, maybe prod Congress to act. She says that she would prefer to go through — instead of around — Congress.

From the standpoint of law, the euphemism "executive fiat" is basically a fancy way of saying "power grab." Nowhere does the U.S. Constitution grant an appointed bureaucrat the authority to "go around" the legislative branch of government when it comes to making law. After the elections next November, Jackson may discover that the "action" which she had "prodded" Congress to take may not be to her



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liking.

Meanwhile the Department of Transportation and the EPA dealt another blow to the U.S. economy through more stringent fuel-efficiency standards for future automobile manufacturing. With a staggering number of Americans remaining unemployed, new government regulations will drive up the cost of living for millions of Americans. As explained in a [Wall Street Journal article](#), the cost of reaching a 35 MPG fuel standard is not trivial:

Pushing fuel-saving technology into otherwise conventional cars and light trucks will make cars for the 2016 model year about 34% more fuel efficient on average than last year's models, and about \$950 more expensive to buy. Consumers should get that outlay back over three years in fuel savings, the administration said Thursday.

But despite all the hoopla in Washington and the auto industry over electric cars, auto makers appear likely to rely for the next few years on a number of more mundane solutions to reduce fuel consumption of vehicles that look and operate like cars now. Among some of the incremental solutions: more-efficient tires, low-friction engine lubricants and added gears.

However, given the Obama administration's drive for "cap and trade" taxes, the claim that drivers will be able to make up the increased costs over the course of three years is disingenuous, at best. According to some analysts, the cost of meeting Obama's targets for cutting so-called greenhouses gases would [drive gasoline to \\$7 per gallon](#).

A dramatic increase in the cost of new cars and fuel is an unavoidable consequence of the policies of the Obama administration, even as his appointees grow more and more brazen in their seeming contempt for the constitutional balance of powers.



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