



Written by [Warren Mass](#) on October 26, 2015

## States, Private Groups File Lawsuits Against EPA

More than half of the states and several professional associations filed lawsuits against the Obama administration's Environmental Protection Agency (EPA) on October 23, charging that the EPA has exceeded the authority granted to it by Congress in setting carbon dioxide limits for power plants.

*The Hill* (a Washington, D.C.-based political newspaper) reported that 24 states kicked off the legal onslaught against the EPA on the morning of the 23rd, with two more states, North Dakota and Oklahoma, filing separate lawsuits.

That afternoon, several nationwide professional organizations filed similar suits. These included the National Federation of Independent Businesses, the U.S. Chamber of Commerce, the National Rural Electric Cooperative Association, the American Wood Council and the American Forest & Paper Association (in a joint suit), and the National Mining Association and the American Coalition for Clean Coal Electricity (in another joint suit).

*The Hill* quoted a statement from Karen Harned, executive director of the National Federation of Independent Businesses' Small Business Legal Center: "The EPA is doing an end-run around Congress by imposing in the form of regulation a law that the legislative branch of government has already expressly rejected. This is a crystal clear violation of the constitutional separation of powers."

The point of contention among those suing the EPA centered around the agency's setting of strict carbon dioxide limits for power plants — all in the name of preventing "climate change."

Thomas Donohue, president of the U.S. Chamber of Commerce, was critical of the EPA's new regulations:

The EPA's rule is unlawful and a bad deal for America. It will drive up electricity costs for businesses, consumers and families, impose tens of billions in annual compliance costs, and reduce our nation's global competitiveness — without any significant reduction in global greenhouse gas emissions.

EPA Administrator Gina McCarthy, of course, defended her agency's actions, saying,

The Clean Power Plan has strong scientific and legal foundations, provides states with broad flexibilities to design and implement plans, and is clearly within EPA's authority under the Clean Air Act.

We are confident we will again prevail against these challenges and will be able to work with states to successfully implement these first-ever national standards to limit carbon pollution ... the largest source of carbon emissions in the United States.

The "Clean Power Plan," unveiled during a White House press event by President Obama on August 3,





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was the latest EPA regulation that has raised the ire of Americans concerned about the agency's negative impact on the U.S. economy.

Obama's August 3 announcement focused heavily on climate change and followed his administration's standard position that such change is caused by man-made carbon dioxide emissions. The president pulled no punches in identifying the culprit he and his administration assert is responsible for this catastrophic dilemma, stating that "existing power plants can still dump unlimited amounts of harmful carbon pollution into the air."

During that address, Obama went beyond the more obvious ill effects of air pollution (which everyone would want to minimize) such as its contribution to asthma and other respiratory diseases, to the more controversial and much-disputed claim that industrial carbon dioxide emissions create warming of the Earth's temperature — the so-called greenhouse gas effect.

Several prominent Republicans, including Senate Majority Leader Mitch McConnell (R-Ky.), presidential candidates Wisconsin Governor Scott Walker (who suspended his campaign on September 21), Ohio Governor John Kasich, Senator Marco Rubio (R-Fla.), and former Hewlett-Packard CEO Carly Fiorina, expressed criticism of the "Clean Power Plan." (Both Walker and Fiorina called it the "Costly Power Plan.")

All of these individuals based their objections on the plan's economic consequences — a legitimate enough reason — but none of the leading GOP candidates addressed the more fundamental question that should form the basis for opposition to such executive branch overreach on environmental policies: *Is there conclusive scientific evidence that man-made activities such as carbon emissions have had any significant effect on the world's climate?*

As *The New American* has noted in multiple articles, many reputable scientists think there is no such evidence. In fact, some evidence suggests that the natural cycle of global warming has reversed itself in recent years and that global temperatures have actually decreased.

As one example, we noted last June that a leading British climate researcher, Lord Christopher Monckton — who was chief policy advisor to the Science and Public Policy Institute and former special advisor to former U.K. Prime Minister Margaret Thatcher from 1982 to 1986 — had stated in a recent report that there has been no global warming at all for more than 18 years.

Monckton wrote that "the predictions on which the entire climate scare was based were extreme exaggerations" and referred to data collected by a private research company called Remote Sensing Systems (RSS), founded in 1974 by Frank Wentz, who was a member of NASA's SeaSat Experiment Team.

And Monckton is far from alone. Many other credible scientists have stated that global warming — if it exists at all — is simply a natural periodic phenomenon rather than something caused by anthropogenic (human) activity. Many of these scientists have participated in the Heartland Institute's annual International Conference on Climate Change, which has served as an impartial forum to discuss this topic.

*The New American* has covered several of Heartland's climate conferences. (See, for example, [2008 Climate Debate: Science Conference Challenges Global Warming Alarmism](#) and [Video Interview with Willie Soon, Ph.D. — Heartland Institute Climate Conference 2010](#)).

Among the global-warming "skeptics" who have presented evidence countering the prevailing global-



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warming theories at these conferences are Greenpeace co-founder Dr. Patrick Moore; Dr. Alan Carlin, the EPA whistleblower who exposed the EPA's fraudulent science used to declare CO2 a "pollutant"; Dr. Willie Soon, the astrophysicist whose discoveries debunked the "hockey stick" computer modelers; Dr. Sherwood Idso, one of the world's leading researchers on carbon dioxide; and Dr. S. Fred Singer, atmospheric and space physicist, prolific author, and first director of the National Weather Satellite Service.

So long as debate on global warming continues and there is no proof that carbon dioxide emissions generated by humans have any impact on "climate change," government officials should not be permitted to burden our economy with the unnecessary regulations such as those imposed under its "Clean Power Plan."

Representatives of 26 states and several respected pro-business organizations obviously agree.

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