Written by **Brian Koenig** on October 3, 2011

Will EPA Report Stall Environmental Regulations?

A report released last week by the Environmental Protection Agency's Inspector General questions the procedural policy of the EPA's 2009 decision that greenhouse gas emissions pose a threat to public health and welfare. The report, entitled "Procedural Review of EPA's Greenhouse Gases Endangerment Finding Data Quality Processes," does not decry the science of greenhouse gas emissions, but observes that the procedures conducted by the agency to make its "scientific" determination were askew. The release "calls the scientific integrity of EPA's decision-making process into question and undermines the credibility of the endangerment finding," asserted Sen. James Inhofe (R-Okla.), ranking member of the Senate Committee on Environment and Public Works.

After a 2007 Supreme Court decision ruling that greenhouse gas emissions are air pollutants under the Clean Air Act, the EPA was instructed to determine whether greenhouse gas emissions endanger public health and welfare, or if alleged global warming science is too uncertain to make an adequate conclusion.

The IG's office emphasized that their analysis did not explore the EPA's scientific "evidence" that greenhouse gas emissions are in fact harmful to health and welfare. "We did not test the validity of the scientific or technical information used to support the endangerment finding, nor did we evaluate the merit of EPA's conclusions or analyses," the office stated in a release.

Instead, the IG's investigation examined the procedures by which the agency came to its conclusions. According to the report, the EPA depended on assessments carried out by other organizations, and the review results and the EPA's response were not publicly reported. Further, one of the reviewers was an EPA employee. These procedures, the IG claimed, do not comply with the agency's peer review policy, which states, "For influential scientific information intended to support important decisions, or for work products that have special importance in their own right, external peer review is the approach of choice."

Sen. Inhofe, who had requested the report, issued a release, saying, "This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed." Inhofe has become a vocal critic of Obama's economic performance, especially relating to environmental policy. "The President of the United States wants to destroy American energy," the Oklahoma Senator charged. "His intention is to kill fossil fuels, which we rely on for 99% of the energy in America."

Human Events reported on some of Inhofe's allegations:

> According to Inhofe, the administration's proposed CO_2/greenhouse gas-emission regulations — due out in November — could chop $300 billion to $400 billion alone off the nation's gross domestic product (GDP) each year. … [T]he Senate Energy and Public Works Committee's Republican staff estimates this regulation could cost in excess of the 2 million jobs that would have been lost as a result of Waxman-Markey Climate Change Bill.
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> Other estimates suggest that the EPA's Utility MACT [Maximum Achievable Control Technology] and Transport Rule could cost $184 billion and 1.4 million jobs. Statistics Inhofe provided suggest the rule could shutter hundreds of coal-fired power plants around the country — equaling as much as 20% of the nation's total energy output.

According to industry reports, the Utility MACT rule could force companies to retrofit as many as 600 scrubber units nationwide, as the regulation requires the installation of costly technological upgrades to remove various pollutants from coal-fired power plants. "We are relying on coal for as much as 45% of our nation's energy," Inhofe alleged. "[The President has] intentionally passed a rule that will shut down coal in America, and there are lots of jobs that either directly or indirectly rely on coal. It's going to make it … much more expensive."

The Utility MACT Rule and other new environmental regulations are already putting thousands of employees' jobs on the line. For instance, Duke Energy Ohio announced it will be closing a coal-fired plant if the regulation is approved, which will leave 120 workers out of a job. "The anticipated retirement date is contingent on potential changes to the implementation [of the] EPA's MACT rule and other environmental regulations," Duke Energy stated earlier this summer.

The Texas energy company Luminant announced in mid-September that new EPA regulations — specifically the Cross-State Air Pollution rule, which requires power generators to make "dramatic reductions" in emissions — is forcing it to shut down several of its facilities, while laying off 500 workers. "We have hundreds of employees who have spent their entire professional careers at Luminant and its predecessor companies," Luminant CEO David Campbell said in a statement. "At every step of this process, we have tried to minimize these impacts, and it truly saddens me that we are being compelled to take the actions we've announced today. We have filed suit to try to avoid these consequences."

While many critics question the validity of the IG's report, contention that the EPA "cut corners" when determining the public health hazards of various pollutants, in itself, may stall new environmental regulations such as the Utility MACT rule. And although the report does not dispute the "settled facts" of global warming science, Inhofe's successful request to the EPA's Inspector General may stoke his campaign against the federal government's job-destroying environmental policies.

Photo: Lisa P. Jackson, Administrator of the Environmental Protection Agency (EPA).