



Written by [Rebecca Terrell](#) on February 2, 2010

Congress Works to Stymie EPA Authority

Congress is acting to shackle Obama's Environmental Protection Agency (EPA) in its efforts to impose strict regulations on greenhouse gas emissions. Two bills before Congress and a resolution in the Senate have already garnered impressive bi-partisan support.

The first is a bill introduced January 9, 2009 by U.S. Representative Marsha Blackburn (R-Tenn.), [H.R. 391](#). Refreshingly unlike much legislation before Congress, H.R. 391 amounts to a mere two straightforward sentences which read: "Section 302(g) of the Clean Air Act is amended by adding the following at the end thereof: 'The term 'air pollutant' shall not include carbon dioxide, water vapor, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.' Nothing in the Clean Air Act shall be treated as authorizing or requiring the regulation of climate change or global warming." The bill has 151 cosponsors, most of whom signed a [discharge petition](#) in July 2009 to prompt action on the legislation which has been sitting stagnant in the House Committee on Energy and Commerce since its introduction.



"The rules proposed by the EPA are a virtual gun to the head of Congress," said Rep. Blackburn in a September [press release](#). "The EPA is rushing to implement [Cap and Trade legislation] before it is passed. Sweeping reform like this must be left to Congress, as representatives of the people, to implement; not unaccountable bureaucrats at the EPA."

Representative Blackburn's legislation and comments pre-empted the EPA's December 7th "[endangerment finding](#)," which officially declared carbon dioxide and other alleged greenhouse gases a menace to public health and welfare. The ruling paves the way for the agency to impose the most strict emissions standards in history. Three days later, a [White House official brazenly told the press](#) if Congress does not take action, "the EPA is going to have to ... regulate in a command-and-control way."

Hard on the heels of the "endangerment finding," Representative Earl Pomeroy (D-N.D.) introduced [H.R. 4396](#), the Save Our Energy Jobs Act, legislation which would prohibit the EPA from regulating greenhouse gases. Congressman Pomeroy issued a [press release](#) predicting dramatic increases in energy and unemployment rates if EPA authority is not dislodged. "Regulation of greenhouse gas



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emissions ... is irresponsible and just plain wrong," said Congressman Pomeroy. "I am not about to let some Washington bureaucrat dictate new public policy that will raise our electricity rates and put at risk the thousands of coal-related jobs in our state." The Pomeroy bill is specifically aimed at the April 2007 [ruling by the U.S. Supreme Court](#) that the Clean Air Act authorizes the EPA to regulate greenhouse gas emissions if the agency finds those emissions harmful to public health and welfare. H.R. 4396 has five co-sponsors and has also been referred to the House Committee on Energy and Commerce awaiting further action.

On the Senate side, more modest means are being pursued. Senator Lisa Murkowski (R-Alaska) introduced a resolution ([S.J.Res. 26](#)) to disapprove and nullify the EPA's December endangerment finding. Unfortunately, the resolution would only prevent regulations for stationary sources for one year but would not prevent the EPA from regulating automobile emissions. Senator Murkowski showed blatant ignorance of the fact the U.S. Constitution does not authorize Congress to regulate greenhouse gases when she said in a [press release](#), "Congress is the only agency in the United States with the power to tackle the [climate change] problem in a responsible manner." However, the legislation would at least be a first step toward restraining the EPA's unconstitutional regulatory power. Senator Murkowski's attempt to attach the resolution as an amendment to the agency's fiscal 2010 spending bill was blocked, but S.J. Res 26 can still be amended to other legislation or introduced as a stand-alone bill. Forty senators have signed on as cosponsors.

Photo of Rep. Marsha Blackburn (R-Tenn.): AP Images



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