



Written by [Rebecca Terrell](#) on February 25, 2010

EPA Fast-tracks Greenhouse Gas Regulations

Obama's Environmental Protection Agency (EPA) has announced its timetable to start regulating industrial greenhouse gas emissions under the Clean Air Act. Responding by letter to lawmakers' requests, EPA Administrator Lisa Jackson said the agency will target large facilities beginning in 2011 but will wait until 2016 to require smaller plants to comply. However, automobile manufacturers will receive new greenhouse-gas emission standards late next month.



She also predicted the agency will raise its proposed threshold of 25,000 tons per year in greenhouse gas emissions to determine which facilities must obtain EPA permits. Jackson said the regulations "are consistent with the call for comprehensive energy and climate legislation," ignoring the fact such [legislation has not passed](#) Congress.

Last week, eight U.S. lawmakers sent Jackson a [letter](#) asking how the agency intends to comply with the 2007 U.S. Supreme Court ruling (*Massachusetts v. EPA*) that so-called "greenhouse gases" such as carbon dioxide are air pollution and therefore subject to regulation under the Clean Air Act. The senators, all Democrats, are Jay Rockefeller (W.Va.), Mark Begich (Alaska), Sherrod Brown (Ohio), Carl Levin (Mich.), Pat Casey (Penn.), Robert C. Byrd (W. Va.), Claire McCaskill (Mo.), and Max Baucus (Mont.).

They expressed strong concern that EPA regulations would adversely affect their coal-producing states, already severely strained by the economic recession. The letter reads, "The President and you have been explicit in calling on Congress to pass comprehensive legislation that would enhance our nation's energy and climate security. We strongly believe this is ultimately Congress' responsibility." Yet the letter also conveyed support for EPA's regulation of motor vehicle emissions.

In her response, Jackson warned current [Congressional efforts to block EPA authority](#) would prevent the agency from regulating automobile emissions by breaking an agreement it has with the states and automakers to establish nationwide standards. She did not explain why EPA is a necessary factor in such an agreement, but the threat of Congressional intervention may explain why automakers are first on Jackson's schedule to be regulated.

Rockefeller [announced](#) he is drafting legislation to suspend EPA's authority and allow time for Congressional action in light of "the nation's larger energy policy and economic needs." In doing so he joins Senator Lisa Murkowski (R-Alaska) who already introduced a disapproval resolution (S.J. Res. 26) to halt EPA's actions and who [commended](#) her senate colleagues' letter. "Congress remains the appropriate body to develop climate policy," she said.



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An attorney who advised Murkowski on her resolution, Jeffrey R. Holmstead with Bracewell & Giuliani, told the [Washington Post](#) EPA is acting too quickly, brazenly ignoring Congressional authority. "The way [Jackson] is proposing to do this will be litigated every step of the way," Holmstead said. "There's nothing that requires they regulate greenhouse gas emissions from cars or trucks this year or next year, or the year after. They clearly have enormous discretion in figuring out the timing of any regulation."

Despite her disregard of congressional approval, Jackson appeared before the House Appropriations Subcommittee on Interior and Environment yesterday to [plead her case](#) for Obama's proposed EPA budget, which includes an increase of more than \$43 million to boost climate change regulatory efforts. The total proposal for EPA is \$10 billion, a decrease of roughly \$300 million from current levels of funding.

During testimony Jackson emphasized the need to regulate climate change regardless of whether Congress enacts legislation to that end, but she assured lawmakers her agency's regulations will "reduce costs while strengthening American communities and boosting the green economy." According to the [New York Times](#), ranking member Rep. Mike Simpson (R-Idaho) countered, "I can't help feeling wary about the rapid pace at which the EPA is implementing broad regulatory changes and the impact these changes are having on our struggling economy."

Photo of EPA Administrator Lisa Jackson: AP Images



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