



Written by [Ann Shibley](#) on May 12, 2009

Taking EPA Findings Under Advisement

According to an EPA assessment, greenhouse gases pose health and safety risks for the public. Yet EPA chief Lisa Jackson told a Senate committee hearing on May 12 that [an endangerment finding "does not mean regulation."](#) This is an about-face from an earlier Jackson statement that a public endangerment proposal "will indeed trigger the beginning of regulation of CO₂." Why the flip flop?



The only explanation to come to light is the surfacing of, oddly enough, a White House memo from the Office of Management and Budget (OMB) that warned of the costs and economic impact stiff regulations could engender: "Making the decision to regulate CO₂ under the [Clean Air Act] for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities."

Even more surprising is the OMB's position that the endangerment findings are based on political, not scientific findings. "The amount of acknowledged lack of understanding about the basic facts surrounding [greenhouse gases] seem to stretch the precautionary principle to providing regulation in the face of unprecedented uncertainty," the memo continues.

The OMB's findings directly conflict with the EPA's cut-and-dried conclusion that its finding were "compelling and, indeed, overwhelming . . . the product of decades of research by thousands of scientists from the U.S. and around the world. The evidence points ineluctably to the conclusion that climate change is upon us as a result of greenhouse gas emissions, that climatic changes are already occurring that harm our health and welfare, and that the effects will only worsen over time in the absence of regulatory action."

The OMB memo also suggests that the EPA health-endangerment ruling could lead to a "relaxed and expansive new standard" for Clean Air Act regulations, and warns the "EPA would be petitioned to find endangerment and regulate many other 'pollutants' for the sake of the precautionary principle (e.g., electromagnetic fields, perchlorates, endocrine disruptors, and noise)."

[Industry specialists and lobbyists are running with the OMB memo](#) in a renewed effort to call attention to the slipshod science behind the global-warming scare and the disastrous economic effects CO₂ regulations would have on our country, reiterating that there is no real positive proof of anthropogenic (human-caused) global warming or accompanying health risks. Energy lobbyist Scott Segal said the EPA "may have cherry-picked public health literature" to support its endangerment finding, and that its



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rulings "could substantially expand EPA regulatory authority" in ways Congress never intended.

In an Environment and Public Works committee hearing on Tuesday morning, [Sen. John Barrasso \(R-Wy.\) said](#), "This misuse of the Clean Air Act will be a trigger for overwhelming regulation and lawsuits based on gases emitted from cars, schools, hospitals and small business. This will affect any number of other sources, including lawn mowers, snowmobiles and farms. This will be a disaster for the small businesses that drive America."

Jackson responded that she didn't have the memo about public endangerment in front of her — she came to a Senate committee hearing without it? — and that most of the research on public endangerment had been done before she assumed office. She added that most of the comments in the memo reflected people's opinion and were not binding on the agency. But she did reiterate the Obama administration's preference for a legislative solution for global warming based on a cap-and-trade program.



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