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EPA Says Emissions Are Threat To Public

Finding Could Lead to Greenhouse Gas Limits

By Juliet Eilperin
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The Environmental Protection Agency yesterday officially adopted the position that carbon dioxide and other greenhouse gas emissions pose a danger to the public's health and welfare, a move that could trigger a series of federal regulations affecting polluters from vehicles to coal-fired power plants.

The EPA's action marks a major shift in the federal government's approach to global warming. The Bush administration opposed putting mandatory limits on carbon dioxide and other greenhouse gases, on the grounds that they would hurt business, and the EPA had resisted identifying such emissions as pollutants under the Clean Air Act.

What happens next is unclear. The agency's proposed finding is likely to intensify pressure on Congress to pass legislation that would limit greenhouse gases, as President Obama, many lawmakers and some industry leaders prefer. But cap-and-trade legislation, which would limit emissions and allow emitters to trade pollution allowances, is fiercely opposed by a coalition of Republicans and Democrats from fossil-fuel-dependent Midwestern states who fear that such a system would raise energy prices and hurt the nation's economy.

If Congress doesn't act, the Obama administration is likely to press ahead with at least some curbs on carbon dioxide and other pollutants blamed for global warming. While White House spokesman Ben LaBolt emphasized yesterday that "the president has made clear his strong preference that Congress act to pass comprehensive legislation," he indicated that the new scientific finding may leave regulators little choice.

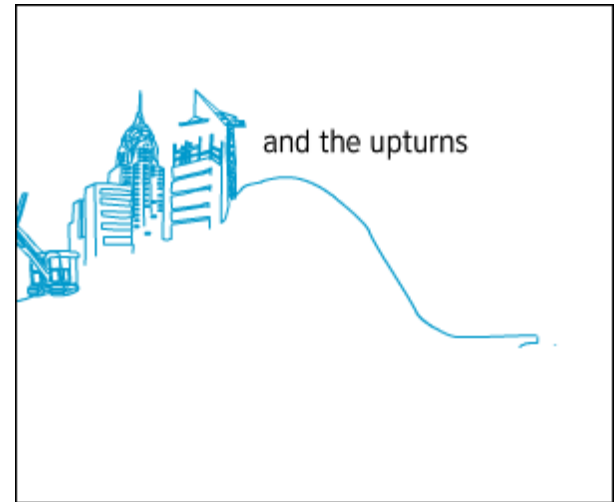
"It is now no longer a choice between doing a bill or doing nothing," said [Rep. Edward J. Markey](#) (D-Mass.), co-author of the main House bill establishing federal limits on greenhouse gases. "It is now a choice between legislation and regulation. The EPA will have to act if Congress does not act."

Officials from the industries that stand to be most affected indicated yesterday that they would rather help shape standards through the legislative process than defer to federal regulators.

"It does provide a certain degree of incentive, if not leverage, to pass a legislative agenda on climate," said Dave McCurdy, president and chief executive of the Alliance of Automobile Manufacturers and a former House member. He added that while administration officials are hoping Congress takes the lead, "they are assembling tools in their toolbox, and it should be taken seriously."

The EPA's proposed finding -- which is subject to a 60-day comment period -- comes almost exactly two years after the Supreme Court ordered the agency to examine whether emissions linked to climate change should be curbed under the Clean Air Act. The finding makes clear that the agency views these pollutants as threats to public health, the environment and national security.

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"In both magnitude and probability, climate change is an enormous problem," reads the finding, which identifies carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride as contributing to global warming. "The greenhouse gases that are responsible for it endanger public health and welfare within the meaning of the Clean Air Act."

In her statement releasing the finding, EPA Administrator Lisa P. Jackson said that while global warming pollution is "a serious problem now and for future generations," Americans can combat it without making a major economic sacrifice. "This pollution problem has a solution -- one that will create millions of green jobs and end our country's dependence on foreign oil."

A slew of business groups and Republican lawmakers were critical, saying Congress is better equipped to determine how best to limit greenhouse gases. [Rep. Darrell Issa](#) (Calif.), the top Republican on the House Committee on Oversight and Government Reform, suggested that "this administration is playing a game of chicken with Congress over regulations and our economy: Either pass legislation or force economically damaging new regulations on businesses."

But activists such as Emily Figdor, federal global warming director for Environment America, said the administration is simply recognizing its obligations under the law. " 'Duh' may not be a scientific term, but it applies here," she said. "EPA has embraced the basic facts on global warming that scientists around the world have acknowledged for years."

While the White House took pains to play down the implications of the proposed finding -- declining to say whether the EPA would be legally obligated to regulate greenhouse gas emissions if it became final -- legal experts said the agency would have no choice but to do so under Section 202 of the Clean Air Act.

"Once they finalize the endangerment finding, they have a mandatory duty to regulate greenhouse gas emissions from cars and light trucks," said Roger Martella Jr., who served as EPA general counsel under President George W. Bush and is now a partner with Sidley Austin in Washington. "They have discretion regarding the timing of that regulation."

Markey's panel will begin hearings on climate legislation next week, and House Energy and Commerce Committee Chairman [Henry A. Waxman](#) (D-Calif.) has pledged to pass the bill, which he co-authored with Markey, by Memorial Day.

While the Senate has not released a timeline for passing a cap-and-trade bill, a senior Senate aide who spoke on the condition of anonymity said it would move soon after the House began to act. [Sen. Barbara Boxer](#) (D-Calif.), who handles climate legislation as chair of the Environment and Public Works Committee, said yesterday, "If Congress does not act to pass legislation, then I will call on EPA to take all steps authorized by law to protect our families."

For the past few years, auto manufacturers have fought regulations adopted by California and more than a dozen other states limiting greenhouse gas emissions from vehicles, arguing instead for a single, national standard. McCurdy, who said yesterday that his industry has already acted to reduce its carbon footprint, said he hopes the administration can broker "an aggressive, national, fuel economy/greenhouse gas emissions program administered by the federal government."

Dan Riedinger, a spokesman for the Edison Electric Institute, said the utilities his group represents could not predict how new and existing power plants would be affected if the EPA regulated greenhouse gas emissions under existing law. "This is a road we'd rather not go down, but only Congress can steer things in a better direction," he said.

Environmental advocates indicated yesterday that while they support congressional action, they see the EPA as a critical backstop in addressing climate change. "EPA should initiate its regulatory process now because we've got to get this nation moving," said Fred Krupp, president of the Environmental Defense Fund.

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