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EPA to Propose Regulating Greenhouse Gas Emissions

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The Environmental Protection Agency today plans to propose regulating greenhouse gas emissions on the grounds that these pollutants pose a danger to the public's health and welfare, according to several sources who asked not to be identified.

The move, coming 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, would mark a major shift in the federal government's approach to global warming.

Former President George W. Bush and his deputies opposed putting mandatory limits on carbon dioxide and other greenhouse gases for years on the grounds that it would harm the economy; Congress is considering legislation that would do so but it remains unclear whether it can pass the proposal and enact it into law in the near future.

Late last month EPA sent the White House a formal finding that greenhouse gases endanger public health and welfare; the Office of Management and Budget signed off on the determination Monday.

When reached this morning, EPA spokesman Allyn Brooks-LaSure declined to comment on the matter.

President Obama pledged to limit greenhouse gases as a candidate, but has urged Congress to send him a bill that would cap them and allow emitters to trade pollution allowances nationwide. EPA administrator Lisa P. Jackson, in a speech at the Aspen Environment Forum last month, emphasized that the administration still hopes the country will develop a legislative answer to the question of how best to limit greenhouse gases.

"The best solution, and I believe this in my heart, is to work with Congress to form and pass comprehensive legislation to deal with climate change," Jackson said. "We hope to avert a regulatory thicket where governments and businesses spend an inordinate amount of time fighting. We are not looking for a doomsday solution."

Some business groups, such as the U.S. Chamber of Commerce, have warned that if the federal government regulates carbon dioxide under the Clean Air Act it will end up imposing an enormous regulatory burden on small operations such as individual stores and even some office buildings.

EPA must hold a public comment period before finalizing its finding, and it would then have to look at regulating individual sectors of the economy, such as motor vehicles and power plants. Those two

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sectors account for roughly half of the nation's carbon dioxide emissions.

In a teleconference with reporters this week David Doniger, policy director for the Natural Resources Defense Council's climate center, said he did not think the agency would target small emitters of greenhouse gases if it began regulating emissions under the nearly 40-year old Clean Air Act.

"That is just not true," said Doniger. "EPA is able to focus on the big stuff, the big sources of global warming pollution."

Even before the formal announcement, experts predicted the decision would transform the federal government's role in regulating commercial operations across the country. Roger Martella, who served as EPA's general counsel under Bush and is now a partner at the firm Sidley Austin in Washington, issued a statement saying, "The proposed endangerment finding marks the official beginning of an era of controlling carbon in the United States."

"This means that EPA's mission of environmental protection will burst outside those bounds and place it on the stage as one of the most influential regulators of both energy use and the greater economy in the upcoming year," Martella added. "The proposal, once finalized, will give EPA far more responsibility than addressing climate change. It effectively will assign EPA broad authority over the use and control of energy, in turn authorizing it to regulate virtually every sector of the economy."

Many opponents of regulating carbon dioxide will now turn their attention to Congress, hoping to achieve a more modest cap on greenhouse gases through the legislative process than one that could be imposed by the federal government.

Fred Singer, who heads the Arlington, Va.-based Science and Environmental Policy Project and has repeatedly questioned the idea that humans contribute to climate change, said in a statement that the EPA proposal "is based on shoddy science and would impose a huge economic burden on American households . . . Congress must stop this unwarranted action by means of legislation, but without committing the same errors as EPA."

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