



EPA drawing fire over greenhouse gas regs

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With “cap and trade” legislation stalled in Congress, the Obama administration is moving to regulate greenhouse gases through the executive branch.

The [U.S. Environmental Protection Agency](#) held a “listening session” Feb. 15 in Atlanta, part of a process aimed at limiting emissions from large power plants and oil refineries of carbon dioxide and other pollutants linked to global warming.

“Climate change is threatening our health, our economy, our wildlife, our future,” **John Hammond**, executive director of the [National Wildlife Federation](#)’s Southeast Regional Center, testified during the session. “Yet, there are no limits on carbon pollution.”

The push to regulate greenhouse gases is drawing opposition from business groups and their allies in Congress concerned about the effect on energy prices.

Several legislative efforts backed by congressional Republicans are under way to prohibit the EPA from regulating greenhouse gases.

“This EPA has a track record of regulating too much too fast while ignoring potentially devastating economic consequences,” said U.S. Rep. **Fred Upton**, R-Mich., chairman of the House Energy and Commerce Committee. “[These] rules are a perfect example of what happens when the EPA diverts its resources and attention away from its core responsibilities in order to pursue controversial regulatory schemes.” What put the EPA on a collision course with GOP lawmakers started with the agency’s December 2009 “endangerment finding” that declared greenhouse gases a threat to public health and the environment.

In the finding, EPA Administrator **Lisa Jackson** concluded that the agency had the authority under the federal Clean Air Act to regulate carbon dioxide as a pollutant, just as it has restricted other harmful industrial emissions for decades.

The EPA acted following a 2007 U.S. Supreme Court decision that rejected the agency’s reasoning at the time for not regulating greenhouse gases. In a 5-4 ruling, the justices ordered the agency to review its previous stand that it had discretion over whether to limit carbon dioxide emissions.

“This comes out of the court case,” said **Gwendolyn Keyes Fleming**, the EPA’s Region 4 administrator, which oversees Georgia and seven other Southeastern states. “We’re working to rein in some of the biggest polluters, so we have clean air.”

The agency is planning to regulate greenhouse gases through a rule-making process that includes the listening sessions, a public comment period and a public hearing.

According to the EPA’s timetable, it will propose emissions limits for power plants in July and for oil refineries in December. Restrictions on power plants will take effect in May 2012, followed by refineries in November 2012.

That schedule is too aggressive, according to **Chris Hobson**, senior vice president for research and environmental affairs for Atlanta-based [Southern Co.](#) (NYSE: SO).

Hobson testified during a Feb. 4 listening session in Washington, D.C., that such first-of-a-kind rule-making is bound to raise complex issues that will take time to address.

Indeed, the EPA’s timetable may prove overly ambitious in light of multiple pending lawsuits challenging the regulations.

The Atlanta-based Southeastern Legal Foundation filed a brief Feb. 9 in one of those cases, arguing that the reductions in carbon dioxide emissions being sought by the plaintiffs would be so little that their effect would be negligible.

“The annual emissions reductions prayed for by plaintiffs in the first year would be replaced by growth in China alone in 13 days,” the brief stated.

Shannon Goessling, the foundation’s executive director, said the EPA’s plan to limit greenhouse gas emissions also is an illegal attempt to remake federal law.

“We’re rewriting the Clean Air Act,” she said. “That’s usurping the power of Congress.”

But several environmental advocates who testified at the Atlanta listening session cited provisions in the Clean Air Act that they said require the EPA to restrict emissions of air pollutants, which now include greenhouse gases.

“EPA is acting under a law adopted by Congress,” said **Daniel Lashof**, director of the climate center for the Natural Resources Defense Council. “These standards are long overdue and must not be delayed.”

The listening sessions will continue this month and conclude in early March, when representatives of oil refineries will testify.