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Latest Murkowski bid fails to put brakes on climate debate

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In an impassioned Senate floor speech Thursday afternoon Senator Lisa Murkowski (R-AK), the Ranking Republican on the Senate Energy & Natural Resources Committee, called for “breathing room in an already heated debate” over climate change legislation. She said the Democrats’ determination to “ram through climate legislation” without enough time for thorough discussion “could wreck our fragile economy.”

With support from Republican Senators John Thune (SD), John Barrasso (WY), Mike Johanns (NE) and Saxby Chambliss (GA), Murkowski tried to add a amendment to the appropriations bill which funds the U.S. Environmental Protection Agency (EPA). The Democrats gave Murkowski 30 minutes of floor time to explain her amendment – but blocked a vote on the amendment. Her plan now is to find another vehicle, such as energy legislation, which could provide an opportunity for a vote.

Murkowski’s controversial amendment would leave in place EPA’s Supreme-Court-ordered role in regulating emissions from mobile sources like cars, trucks and buses. But it would put a one-year ban on EPA taking any action to regulate emissions from stationary sources. Murkowski explained that without the one-year “time-out,” there is virtual certainty that small businesses such as restaurants and dry cleaners could have their CO2 emissions regulated by EPA, with devastating effects on the U.S. economy.

The amendment itself states that:

Effective during the 1-year period beginning on the date of enactment of this Act, none of the funds made available for the Environmental Protection Agency under this Act may be expended—

- (1) to regulate or control carbon dioxide from any sources other than a mobile source as described in section 202(a) of the Clean Air Act (42 U.S.C. 7521(a)); or
- (2) to treat carbon dioxide as a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.), except for purposes of section 202(a) of that Act (42 U.S.C. 7521(a)).

Murkowski insisted that her careful wording would allow EPA to move ahead unhindered with all other aspects of its work, including drawing up plans for regulating stationary

sources, while simply protecting stationary sources from regulation for one year while Congress hammers out climate change legislation.

Following Murkowski, Senator Dianne Feinstein (D-CA) delivered an equally impassioned performance, offering a very different perspective. Armed with a letter from EPA Administrator Lisa Jackson, Feinstein explained that small stationary sources such as family farms and small businesses are guaranteed exemption from EPA greenhouse gas regulations. She charged that currently proposed regulations under the Clean Air Act would affect only “13,000 of the largest emitters in the United States” such as large power plants and oil refineries emitting more than 25,000 tons of CO₂ per year. She charged that the Murkowski amendment would not only protect those large emitters and delay EPA work on regulations but “would send the wrong signal to the rest of the world.”

Murkowski’s argument is that Congress “can and should step up and pass workable, intellectually honest climate legislation – whether a system of cap-and-trade, a carbon tax, or something else” in order to avoid having EPA impose regulations under the Clean Air Act. She said that since there is widespread understanding that legislation would be far preferable to EPA regulation, “many casual viewers are probably left wondering why, exactly, my amendment has drawn such fierce opposition.” The reason, she explained, is that “the regulation of carbon dioxide under the Clean Air Act is being used as a thinly veiled threat to force the Senate to act on climate legislation, regardless of where we are in what remains an ongoing and incredibly important debate.”

Murkowski added that “The possibility that our worst option to reduce emissions will move forward, despite its consequences, is supposed to compel us to move faster. We’re expected to push through a climate bill, perhaps regardless of its content, in order to stave off this regulation. If the House debate is any indication of how our own will proceed, we’ll be asked to rush to judgment, to cut off debate on one of the greatest challenges of our time, and pass a bill, any bill, that purports to reduce emissions.”

Those arguments didn’t impress Feinstein who concluded that Murkowski’s amendment “would exempt some of the largest industrial facilities” and needlessly delay vitally important EPA work on controlling greenhouse gas emissions. She said “I don’t think we can bury our heads in the sand when it comes to climate change.”