



## **In ramp up to Copenhagen, EPA marches ahead with GHG finding**

**By Sara Wyant**

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Washington, Dec. 8. While it is increasingly unlikely that Congress will move the ball past “first base” on cap and trade legislation this year, EPA officials let the world know on Monday that they are ready to play ball in the regulatory field--regardless of congressional action. The announcement came on the opening day of global climate change talks in Copenhagen and just days before the President and several Cabinet Secretaries plan to participate in the meeting.

EPA Administrator Lisa Jackson said she would prefer that Congress act first to limit greenhouse gases (GHGs), but signaled plans to move ahead by issuing final “endangerment findings,” which basically gives her agency authority to move ahead on regulating harmful emissions. The agency proposed findings in April 2009 and held a 60-day public comment period during which officials received more than 380,000 comments.

“These long-overdue findings cement 2009’s place in history as the year when the United States government began addressing the challenge of greenhouse-gas pollution and seizing the opportunity of clean-energy reform,” said EPA Administrator Lisa Jackson. The announcement also “means that we arrive at the climate talks in Copenhagen with a clear demonstration of our commitment to facing this global challenge. We hope that today’s announcement serves as another incentive for far-reaching accords in our meetings this week,” she added.

EPA’s final findings respond to the 2007 U.S. Supreme Court decision that GHGs fit within the Clean Air Act definition of air pollutants. The findings do not in and of themselves impose any emission reduction requirements but rather allow EPA to finalize the GHG standards proposed earlier this year for new light-duty vehicles as part of the joint rulemaking with the Department of Transportation. And starting next spring, large emitting facilities will be required to incorporate the best available methods for controlling greenhouse gas emissions when they plan to construct or expand. For more information on EPA’s findings:

<http://www.epa.gov/climatechange/endangerment.html>

Several members of Congress expressed concerns with EPA’s move, but others said it was long overdue. Similar mixed reactions came from agricultural and environmental groups. Here’s a summary:

**Sen. Byron Dorgan (D-ND):**

Dorgan reiterated his support for passing a bipartisan energy bill before taking up climate legislation.

“I don’t support offering Wall Street a trillion-dollar cap and trade carbon securities market so the investment banks and speculators can trade securities and establish speculative prices that tell the American people how much their energy is going to cost,” Dorgan said. “Creating a lower-carbon energy future can be done with smart energy policies like maximizing renewable energy, and investing in the science and technology to decarbonize the use of coal.”

**Sen. Mike Johanns (R-NE):**

“This decision from EPA is bad for agriculture, bad for business and bad for anyone who flips on a light switch. Congress needs to act to stop EPA from imposing devastating regulations on Americans. We should review all available legislative options to address this action by the EPA.

“Additionally, the Obama-Kerry-Boxer cap-and-trade bill before the Senate does nothing to stop this EPA action. So if the Senate bill were to pass, Americans would get a double dose of regulation, taxation, and government manipulation. This Administration seems to think there is no limit to the government’s reach into the everyday lives of Americans.”

**Rep. John Boehner (R-OH):**

“Today’s EPA announcement paves the way for Washington Democrats’ ‘cap-and-trade’ national energy tax, a bureaucratic nightmare that would make households, small businesses and family farms pay higher prices for electricity, gasoline, food and virtually every product made in America. One independent analysis determined that this national energy tax would cost our economy millions of jobs each year for the foreseeable future. What’s more, the timing of this announcement is yet another indication President Obama is preparing to unilaterally commit the United States to mandatory emissions cuts at the UN Climate Change Conference in Copenhagen. If the President truly believes these job-killing mandates are in the nation’s best interests, he should slow down and first seek the advice and consent of the people’s elected representatives.

**Sen. Diane Feinstein (D-CA):**

“I fully support Administrator Lisa Jackson's groundbreaking announcement. The imperative to act on climate change is clear -- and we cannot afford to wait for Congressional action to begin controlling emissions. Today’s news will enable the Environmental Protection Agency (EPA) to begin to regulate all new emitters of greenhouse gas pollutants. In March, the Agency will finalize with the National Highway Traffic Safety Administration (NHTSA) new fuel economy standards for vehicles, which will for the first time also regulate greenhouse gas emissions. In addition, EPA will also begin requiring new large stationary sources, like power plants or large factories, to use the best available technologies to improve energy efficiency and reduce emissions. Importantly, today’s announcement also sends a significant signal to the international community gathered in Copenhagen for the climate change summit. It indicates that President

Obama and his Administration are fully prepared to tackle the harmful emissions from vehicles and large stationary sources that are causing global warming.”

**Sen. Joe Lieberman (ID-CT)**

"Today, the EPA confirmed what we already know: that our greenhouse gas emissions are harming our environment as well as our health. It is imperative that Congress take action to address climate change so that we avoid the inevitable series of complicated, top-down regulations EPA will draft if we fail to act first. We are working with our colleagues on both sides of the aisle to draft - and pass - a comprehensive pollution reduction plan that harnesses the efficiency of the market to achieve the most environmentally effective result possible. Today's announcement underscores the importance of prompt Congressional action to address global warming."

**Interest groups provide mixed reactions**

**Bob Stallman, President, American Farm Bureau Federation**

“The decision by the Environmental Protection Agency today to announce an endangerment finding on carbon dioxide and other greenhouse gases could carry severe consequences for America’s farmers and ranchers.

“We firmly believe any regulations dealing with global warming that could negatively affect our ability to produce food and fiber for our nation and the world should come through the legislative process. While more and more questions are being raised about the scientific validity of global warming models it is not the time to begin making sweeping policy decisions based on the projections offered by those climate models.

“We realize the EPA’s stated intention is to focus this finding narrowly on specific industries, using particular thresholds, but we believe there is no protection in the provisions that prevent them from being applied broadly across all sectors, including farm and ranch families who produce livestock. Due to the timing of the announcement, with the Copenhagen talks about to kickoff, we also believe this move could have more to do with political science than climate science.”

**Darrin Ihnen, President, National Corn Growers Association:**

“The release of EPA’s findings is a significant development of the agency’s move forward in its effort to regulate greenhouse gas emissions. NCGA continues to have serious concerns with using the Clean Air Act to regulate GHG’s and the implications this could have for America’s corn farmers.”

“The livestock industry is also particularly concerned with certain production facilities that will fall within regulatory parameters. The intended purpose of the Clean Air Act was never to regulate every farm in America as part of the overall effort to curb greenhouse gas emissions.”

## **American Meat Institute**

The U.S. Environmental Protection Agency (EPA) announced a final rule today stating that greenhouse gases (GHGs) are a threat to the public health and welfare of the American people and that GHG emissions from on-road vehicles contribute to that threat. EPA's rule includes six greenhouse gases – carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The ruling will allow the EPA to move forward with the GHG standards proposed earlier this year for new light-duty vehicles and to regulate global-warming gases even without legislation in the U.S. Congress.

During the 60-day public comment period, EPA received more than 380,000 comments. AMI also commented on the Endangerment Finding, stating that AMI does not support EPA's Endangerment Finding as the proposed rule (now final rule) was mostly based on future GHG concentrations, anticipated climate changes, and adverse public health and welfare effects that are expected to result from elevated temperatures, air quality changes, effects of extreme events on society, climate-sensitive diseases and aeroallergens.

Additionally, AMI does not support regulating GHG emissions under the Clean Air Act because it could lead to serious economic consequences not only for AMI member companies but for the entire U.S. economy. This final rule could expose large sectors of the economy to significant corporate liability for producing products that purportedly endanger health and welfare.

## **Fred Krupp, President, Environmental Defense Fund**

"The danger of global warming pollution is clear and present, the solutions are at hand, and the time for action is now. It's time for Congress to finish its work on U.S. legislation to cap and reduce the 19 million tons of heat-trapping pollution we emit every day. American leadership on climate change will strengthen our security, wean us off of foreign oil, and ensure that America wins the race to clean energy innovation in the global market place."

## **David Doniger, Policy Director of the Climate Center at the Natural Resources Defense Council:**

"This is a concrete sign that we need to address the rising impact of carbon pollution, which threatens our health -- and is causing glaciers to melt, sea levels to rise and more extreme weather to occur. Today's announcement shows that the U.S. government is serious about tackling this problem and putting limits on the largest sources of carbon pollution, including vehicles and coal-fired plants. The Obama administration is prepared to use existing laws, even as it works with Congress on new ones, to move our country toward cleaner energy that will protect the health of people and of future generations. As world leaders gather in Copenhagen, this action is an important piece of the puzzle that will move the nation -- and the world -- toward a cleaner future."