



## **NCBA and others challenge EPA's endangerment finding**

**By Sara Wyant**

**© Copyright Agri-Pulse Communications, Inc.**

Washington, Dec. 24. The National Cattlemen's Beef Association (NCBA) filed a petition in the DC Circuit Court of Appeals challenging the Environmental Protection Agency's (EPA) recent greenhouse gas (GHG) "endangerment finding" rule.

"EPA's finding is not based on a rigorous scientific analysis; yet it would trigger a cascade of future greenhouse gas regulations with sweeping impacts across the entire U.S. economy," said Tamara Thies, chief environmental counsel. "Why the Administration decided to move forward on this type of rule when there's so much uncertainty surrounding humans' contribution to climate change is perplexing," Thies said.

The endangerment finding does not in and of itself regulate GHGs, but it is a critical step in the process for GHG regulation under the Clean Air Act (CAA). The rule provides the foundation for EPA for the first time to regulate GHGs from small and large sources throughout the economy, including farms, hospitals, office buildings and schools. For example, because of this rule, EPA will be able to tell farmers that they can only emit a certain level of GHGs; if they go over that amount, they can incur severe penalties and be forced to curtail production. The rule also sets the stage for citizen suits against large and small businesses that are the backbones of the U.S. economy. In addition, increased energy costs associated with this ruling will be devastating for agriculture and the public as a whole.

"Instead of letting the issue of climate change, and man's alleged contribution to it, be addressed through the proper democratic legislative process, EPA has decided to trump Congress and mandate greenhouse gas regulation under the Clean Air Act," said Thies. "The Act is ill-equipped to address climate change, and Congress never intended for it to be used for that purpose."

Under the rule, EPA defined air pollution to include six greenhouse gases, and stated that manmade greenhouse gases endanger public health and the environment.

"As was evident during difficult negotiations over the past two weeks in Copenhagen, other countries around the world like China and India are unwilling to tie the hands of their economic engines and impose these kinds of costs on their citizens," said Thies. "This unilateral move by the EPA jeopardizes our ability to remain competitive in the global marketplace."

The petition NCBA filed on Dec. 23, as part of a coalition of interested parties, is the first step in asking the DC Circuit Court of Appeals to overturn EPA's rule due to a lack of sound or adequate basis for making the finding of endangerment from anthropogenic GHGs. NCBA was joined by the Coalition for Responsible Regulation, Inc, Industrial Minerals Association – North America, Great Northern Project Development, Rosebud Mining Company, Massey Energy Company and Alpha Natural Resources, Inc.

The Southeastern Legal Foundation (SLF) also filed a petition for reconsideration on the same day. In addition to SLF, plaintiffs include: U.S. Rep. John Linder (GA), U.S. Rep. Dana Rohrabacher (CA), U.S. Rep. John Shimkus (IL), U.S. Rep. Phil Gingrey (GA), U.S. Rep. Lynn Westmoreland (GA), U.S. Rep. Tom Price (GA), U.S. Rep. Paul Broun (GA), U.S. Rep. Steve King (IA), and U.S. Rep. Nathan Deal (GA).

"'Climategate' revealed that the data on which the EPA relied to make this finding is questionable and may have been manipulated to tell a story that global warming alarmists wanted to tell," said Thies. "The fact that the EPA is ignoring this scandal is not going to make it go away."

For more information:

<http://www.beefusa.org/NEWSEPAGreenhouseGasRulingCouldbeDevastatingtoAgriculture39958.aspx>

Or go to: [www.Agri-Pulse.com](http://www.Agri-Pulse.com)

#30