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Measure would halt EPA regulation

Proposed amendment would delay the agency's efforts at reducing greenhouse gases.

By Ambreen Ali January 7, 2010

The Environmental Protection Agency's move to regulate greenhouse gases without Congressional approval was designed to spur the Senate to act.

Now some in the Senate want to stop the EPA.

Sen. Lisa Murkowski (R-Alaska) plans to introduce an amendment to prevent the agency from taking action immediately, if at all. Her proposal is scheduled for a Jan. 20 vote.

The EPA effort is backed by the Obama administration, which is using it to push the Senate into passing cap-and-trade legislation, which would limit greenhouse gases and let companies trade pollution credits.

But progress has been slow going. The Senate's lengthy debate over health care and looming midterm elections have limited the time it has to pass substantive legislation this year.

Without Congressional action, the EPA is set to regulate vehicle emissions and factory pollutants this spring.

Murkowski, along with a growing group of Democratic Senators, industry groups, and even some environmentalists, think that is not a good idea.

"It's going to be a bureaucratic nightmare," said Robert Dillon, Murkowski's spokesman on the Energy Committee. "The administration is using this as leverage to force Congress to take action. It's a horrible way to legislate, and Sen. Murkowski refuses to give into that sort of blackmail."

Details of Murkowski's proposal are still unknown, but she offered an amendment last fall that would delay EPA regulation for a year in order to buy Congress time to pass a climate bill. She later withdrew it and joined other Republicans in proposing an even longer delay.

Either way, the effort is likely to fail, despite the support of several Democrats. Even if it passed, President Obama would likely veto the bill.

Still, there is growing sentiment on Capitol Hill that the EPA effort is not the best route. If Congress passed a bill instead, it would allow lawmakers to add clean-energy programs, offsets for affected industries and other benefits.

The Alliance of Automobile Manufacturers, which represents 11 automakers, is advocating for a bill instead of the EPA action.

"A national program ... avoids conflicting standards from different regulatory agencies, and it gives automakers much needed certainty for long-term product planning," the group said in a statement.

Many environmentalists are opposing Murkowski, however, noting that the EPA regulation may be their only shot.

"Congress could and may pass climate legislation, but it will probably be more narrowly tailored than we thought a year ago," said Bill Snape, spokesman for the Center for Biological Diversity, which is part of a coalition of environmental groups opposing Murkowski's amendment. "I have sensed the political and scientific reality beginning to set in that Congress needs to build off the Clean Air Act, not replace it."

On that point, it seems both sides agree.

"Let's take incremental steps and build on that," Dillon said, noting that Murkowski supports a climate change bill in theory.

"It can't be so drastic," he added. "There are too many people for that, and it's an election year."

Coral Davenport contributed to this report.