



## **GOP Lawmakers Make Push To Eviscerate GHG Regs**

By Jesse Greenspan

Law360, New York (March 3, 2011) -- Sen. James Inhofe, R-Okla., and Rep. Fred Upton, R-Mich., introduced legislation Thursday that would amend the Clean Air Act to prohibit the U.S. Environmental Protection Agency from regulating greenhouse gases in order to address climate change.

The bill, known as the Energy Tax Prevention Act, would also repeal the greenhouse gas regulations already out there, including the endangerment finding, the reporting rule and the tailoring rule.

It would not affect a rule — promulgated pursuant to a settlement among the federal government, major automakers, the United Auto Workers union and state governments led by California — that will require new cars and light-duty trucks to meet a combined city and highway fuel economy average of 35.5 miles per gallon by 2016.

“As the price of gasoline nears \$4 a gallon, consumers can’t afford to pay for the Obama EPA’s back-door cap-and-trade regulations, which will inevitably mean higher prices for gasoline and electricity,” said Inhofe, a well-known global warming skeptic who is authoring a book called “The Hoax.”

He added that the bill, which was introduced in draft form in early February, would protect jobs in the U.S. manufacturing sector, put Congress rather than unelected bureaucrats in charge of the nation’s climate change policies, and ensure that the essential provisions of the Clean Air Act remain intact.

Conservationists vehemently disagreed, however, saying the bill was the latest in a string of attacks on a law that has dramatically reduced air pollution while at the same time producing public health and economic benefits.

“It’s sad, but not shocking, that fossil fuel interests have captured so many members of Congress,” said Kassie Siegel, director of the Center for Biological Diversity’s Climate Law Institute. “Now’s the time for true leadership by President Obama to do what is right and what the American public wants.”

She pointed to an American Lung Association survey, which found that 64 percent of respondents opposed congressional action to stop the EPA from setting limits on greenhouse gas pollution.

Certain industry groups, on the other hand, quickly came out in support of the measure.

“This legislation will prevent EPA from imposing regulations that could significantly raise energy costs and harm our fragile economic recovery,” said Marty Durbin, executive vice president of the American Petroleum Institute.

The bill in the Senate has 42 co-sponsors, all Republicans, while the House version, sponsored by Upton and Rep. Ed Whitfield, R-Ky., has nine co-sponsors, including three Democrats. Those Democrats are Dan Boren of Oklahoma, Nick Rahall of West Virginia and Collin Peterson of Minnesota.

A separate pending bill, introduced by a group of Republican senators led by John Barrasso, R-Wyo., would similarly bar the executive branch from regulating greenhouse gases.

But that bill, known as the Defending America’s Affordable Energy and Jobs Act, is even more far-reaching because it would preclude legal action against sources of greenhouse gases solely based on their alleged contribution to climate change.

A third bill from a group of Democratic senators led by Jay Rockefeller, D-W.Va., would suspend EPA regulations of greenhouse gases from stationary sources until 2013.

Inhofe said, however, that a “two-year delay won’t help our economy grow or help those searching for work.”

“It does nothing to alleviate the uncertainty plaguing businesses all across America,” Inhofe said. “Simply put, EPA’s cap-and-trade regime is bad policy that must be stopped.”

--Editing by Lisa Uhlman.