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## EPA Presses Obama To Regulate Warming Under Clean Air Act

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The Environmental Protection Agency's new leadership, in a step toward confronting global warming, submitted a finding that will force the White House to decide whether to limit greenhouse gas emissions under the nearly 40-year-old Clean Air Act.

Under that law, EPA's conclusion -- that such emissions are pollutants that endanger the public's health and welfare -- could trigger a broad regulatory process affecting much of the U.S. economy as well as the nation's future environmental trajectory. The agency's finding, which was sent to the White House Office of Management and Budget without fanfare on Friday, also reversed one of the Bush administration's landmark decisions on climate change, and it indicated anew that President Obama's appointees will push to address the issue of warming despite the potential political costs.

In 2007, the Supreme Court instructed the Bush administration to determine whether greenhouse gases should be regulated under the Clean Air Act, but last July, then-EPA Administrator Stephen L. Johnson announced that the agency would instead seek months of public comment on the threat posed by global-warming pollution.

Interest groups and experts across the ideological spectrum described the EPA's proposal yesterday as groundbreaking. But while environmentalists called it overdue and essential to curbing dangerous climate change, business representatives warned that it could hobble the nation's economic recovery.

"This is historic news," said Frank O'Donnell, who heads the environmental watchdog group Clean Air Watch. "It will set the stage for the first-ever national limits on global-warming pollution. And it is likely to help light a fire under Congress to get moving."

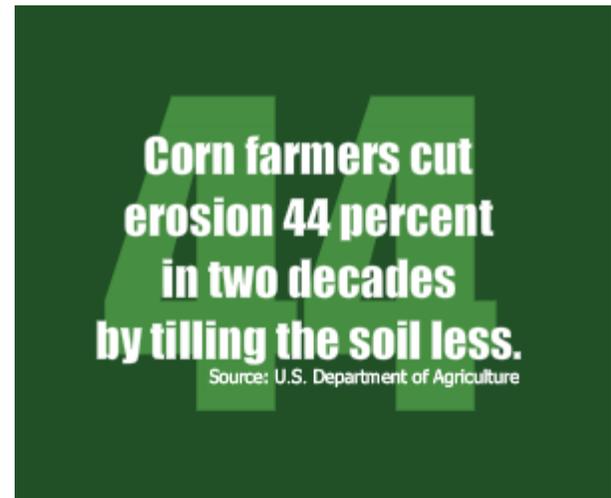
But William L. Kovacs, vice president of environment, technology and regulatory affairs at the U.S. Chamber of Commerce, said an effort to regulate greenhouse gases based on the EPA's scientific finding "will be devastating to the economy."

"By moving forward with the endangerment finding on greenhouse gases, EPA is putting in motion a set of decisions that may have far-reaching unintended consequences," he said. "Specifically, once the finding is made, no matter how limited, some environmental groups will sue to make sure it is applied to all aspects of the Clean Air Act."

The White House emphasized that the administration is simply fulfilling its legal obligations and will still press for a legislative solution to the question of curbing carbon dioxide and other greenhouse gases.

"The president has made clear that to combat climate change, his strong preference is for Congress to

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pass energy security legislation that includes a cap on greenhouse gas emissions," said White House spokesman Ben LaBolt. "The Supreme Court ruled that the EPA must review whether greenhouse gas emissions pose a threat to public health or welfare, and this is simply the next step in what will be a long process that engages stakeholders and the public."

OMB spokesman Kenneth Baer did not give a specific timeline for when the White House will decide on how to proceed.

Johnson's action came in rejection of his scientific and technical staff's recommendation. In December 2007, the EPA staff wrote the White House to urge that the agency be allowed to make the finding that global warming threatens human health and welfare, but senior White House officials rejected that proposal on the grounds that the Clean Air Act was not the best way to deal with climate-change issues.

Since then, however, federal officials have provided additional rationales for such a finding. Last month, Howard Frumkin, who directs the Centers for Disease Control and Prevention's National Center for Environmental Health, testified before a Senate committee that the CDC "considers climate change a serious public health concern" that could accelerate illnesses and deaths stemming from heat waves, air pollution, and food- and water-borne illnesses.

But even those who support cutting greenhouse gases warn that doing so under the Clean Air Act could be complicated. "This would be a regulatory maze far exceeding anything we've seen before," said David Schoenbrod, a professor of environmental law at the New York Law School.

While the EPA's finding is not final, experts steeped in the Clean Air Act began debating yesterday what it would mean for utilities, vehicles, manufacturing plants and consumers. Kovacs predicted it could halt many of the projects funded under the just-passed economic recovery package. "This will mean that all infrastructure projects, including those under the president's stimulus initiative, will be subject to environmental review for greenhouse gases," he said.

EPA spokeswoman Adora Andy said in a statement that if the administration goes ahead with the proposal, it will be subject to public hearings and comment before becoming final, adding that it "does not propose any requirements on any sources of greenhouse-gas emissions" and "does not impose any new regulatory burdens on any projects, let alone those funded" under the American Recovery and Reinvestment Act.

Daniel J. Weiss, a senior fellow at the Center for American Progress, a liberal think tank, said the EPA's proposal would allow the administration to tackle climate change if Congress does not limit carbon emissions through legislation. He added that even if the EPA were forced to regulate greenhouse gases, it would target emissions from coal-fired power plants and then vehicles -- which combined account for about half of the nation's global-warming pollution -- before requiring smaller operations to apply for new emissions permits.

"The way I see it, it's, in case of legislative gridlock, break open the Clean Air Act," Weiss said. "It's a backup option, not ideal, but it's a way to make progress on emissions reductions."

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