

# House bill to end EPA's climate change rules could have a short but exciting life

**Dina Fine Maron, Environment & Energy Publishing, 3-11-11**

House Republicans took a hammer to U.S. EPA's climate regulations yesterday, moving legislation that would prevent the Obama administration from slashing carbon emissions through smokestack limits or issuing future tailpipe standards.

The Energy and Power Subcommittee pushed through legislation sponsored by Energy and Commerce Chairman Fred Upton (R-Mich.) that would permanently block EPA from considering greenhouse gases in current and future regulations on large stationary sources and also stop the agency from crafting further greenhouse gas standards for vehicles.

But its future remains a row of question marks, starting with the bill's political viability in the Senate and signs that it will attract a veto from President Obama. The White House has indicated that any provision stripping EPA of its ability to regulate greenhouse gases would not make it past the president's desk.

Several Senate Democrats were quick to issue statements yesterday decrying the vote by the House energy panel. New Jersey Sen. Frank Lautenberg (D) called yesterday's vote a "huge step backwards" that would "tear down critical environmental protections and put big polluters above human health." California Sen. Barbara Boxer (D) said, "I will do everything in my power to stop attacks on the Clean Air Act that threaten the health of our families."

But yesterday, House Democrats did not offer any amendments that would seek to blunt the bill. Instead, Massachusetts Rep. Ed Markey (D) told *ClimateWire* that the hearing was merely the "preview of coming attractions" before the bill goes before the full committee. Democratic Reps. Bobby Rush (Ill.) and Henry Waxman (Calif.) both indicated that amendments would be offered to the legislation when it goes to full committee.

Observers of the committee, however, suggest that any amendments seeking to significantly limit the bill would not be able to overcome opposition.

## **Codifying 'science denial'?**

Earlier this week, Waxman said that it is a foregone conclusion the bill will pass the House. He predicted, however, that the bill -- which he says "codifies science denial" -- would stall in the Senate.

Illinois Rep. John Shimkus (R) yesterday said that lawmakers should not be so quick to jump to conclusions on the future of the bill. "As much as my colleagues want to say what the Senate will and will not do and what the president will and will not do, we want to give them the opportunity to weigh in on this decision," he said.

By the time such a bill reached Obama's desk, he said, "perhaps we can change his mind."

Frank O'Donnell, president of Clean Air Watch, an advocacy group, said he doubts the bill will move through the Senate, but suggested that if a provision like the Upton legislation were attached to a spending bill, it would be a difficult decision for the president when it comes to breaking out the veto pen.

"I think it depends on what the bill looks like -- I think [the president] would have to think about it if it was part of his spending bill," agreed Eileen Claussen, president of the Pew Center on Global Climate Change. "My experience in the Clinton administration is that the president -- President Clinton -- signed some spending bills with riders he didn't like," she said.

### **A trade-off for a clean energy standard?**

One industry lobbyist suggested that Obama would be willing to engage in some sort of trade-off to pass a "clean energy standard" (CES) and simultaneously scuttle EPA's ability to regulate greenhouse gases.

Claussen said that scenario seems unlikely, partly because the timing would not make sense. "There may be some senators who are thinking about a CES, but it's in the very early stages," she said. "There isn't a real conversation about what it would include, and we have no idea yet if it could get 60 votes in the Senate. In the House, I think the chances are dismal for something like a CES; I just don't see it," she said.

Texas Rep. Gene Green (D) yesterday said that the House should not wait for the bill to stall in the Senate before looking into other options to curb EPA's climate rules. "What happens when the president vetoes this legislation and the votes don't exist in either chamber to override the veto?" Green asked.

Green is in the early stages of crafting alternative legislation that would seek to postpone implementation of EPA's climate regulations until there is more technology available that could rein in greenhouse gases. A Green spokesman said that they don't yet have specific technology or dates in mind, but that the bill would seek to delay implementation for "more than two years."

In the Senate, Oklahoma Sen. James Inhofe (R) introduced a companion bill to Upton's legislation that is co-sponsored by Democrat Sen. Joe Manchin (W.Va.) and most Senate Republicans. Nebraska Sen. Ben Nelson (D) is also reportedly considering signing onto the bill, but clearing 60 votes is still expected to be a challenge.

Analysis of the Upton bill circulated to House committee Democrats yesterday by Waxman and Rush suggested that the legislation may have far-reaching impacts, including mirroring the existing motor vehicle standards in legal ambiguity and blocking California from setting its own motor vehicle standards under the Clean Air Act, since the bill would strip EPA of its ability to grant California the waivers that allow it to set its own standards.

Some Republicans, on the other hand, argued that the bill would spur rising gas prices by hampering American energy production and sending jobs overseas, allegations that Democrats called absurd because current greenhouse gas regulations on large stationary sources primarily call for consideration of energy efficiency provisions, rather than significant changes to construction plans.

Ultimately, O'Donnell was skeptical that this bill would ever be passed by Obama.

"I can't believe that President Obama would ever permit this bill to become law," he said. "If he did, he might as well demand the resignation of the head of the EPA, the head of the Council on Environmental Quality and who knows who else. It would be tantamount to saying he has no confidence in his government -- it would be inconceivable," he said.