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EPA in the Crosshairs

THERE ARE THOSE IN THE U.S. CONGRESS WHO SEEM DETERMINED TO DISMANTLE THE NATION'S Environmental Protection Agency (EPA) in the name of economic growth and jobs. This despite EPA estimates that last year, the accumulated benefits of the Clean Air Act alone exceeded its costs by more than \$1 trillion.* The struggle over the EPA has just been played out within the context of the larger budgetary conflict between the Republican-controlled House and the Obama Administration. In the brinkmanship negotiations that kept government doors open, the EPA appears to have escaped more or less intact. The agency will have to absorb \$1.6 billion in cuts, or about 16% of its 2010 budget. Although not fatal, those cuts will surely slow the implementation of programs that are under legislative attack, including those that tackle water and air pollution. But the battle is far from over.

Since the EPA's birth in 1970, there has been remarkable progress in environmental protection. Attempt a brisk walk in a city in China or India and you will be convinced, and drinking the water there is definitely not advised. Consider this estimate as well: Curing cancer, which is among Americans' highest health-related priorities, would increase average life expectancy by about 3 years. But it is far easier to clean up air pollution, and data suggest that doing so in some of America's dirtiest cities would increase life expectancies by about the same 3 years.†

Much of the hue and cry against the EPA has focused on its proposals to address traditional pollution, including emissions of known toxins, such as mercury from power plants and boilers, and the disposal of hazardous materials such as coal ash. But the lion's share of the wrath has been directed at the EPA's tentative first steps toward promulgating rules on greenhouse gas emissions (for example, the endangerment finding and proposed new permitting rules for major utilities), producing accusations of an "unconstitutional" EPA "power grab."

Far from being unconstitutional, the EPA's actions are consistent with the Supreme Court's 2007 ruling (in *Massachusetts v. EPA*) that the Clean Air Act gives the agency the power to regulate greenhouse gases; moreover, it is obliged to do so if it finds that those emissions pose a danger to public health. As required by the ruling, the EPA studied the issue and found that greenhouse gases do indeed "threaten the public health and welfare of current and future generations." This conclusion is in accord with those of numerous other scientific organizations, including the U.S. National Academy of Sciences.‡

Congressional opponents of the EPA's efforts have adopted a two-pronged strategy: proposing specific legislation aimed at the EPA's regulatory authority and withholding the funds needed to implement regulations. This month, the House passed H.R. 910, a bill that would curb the agency's ability to regulate greenhouse gases under the Clean Air Act. So far, the Senate has not had the votes to follow suit. The opening budgetary salvo against the EPA came in House resolutions last February that not only outlawed EPA expenditures on formulating and implementing regulations on greenhouse gases, but also forbade regulating coal ash as a hazardous waste, promulgating stricter water quality regulations on Appalachian coal mining projects, and studying watershed implementation plans for the Chesapeake Bay. None of these measures survived the budget compromise that was just worked out.

The coming battles between the Administration and Congress over raising the debt ceiling and the 2012 budget due this October will give the EPA's foes at least two more whacks at decimating the agency. So while Americans may be celebrating Earth Day today, the future of America's EPA remains very much in doubt.

— William L. Chameides



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*www.epa.gov/air/sect812/prospective1.html. †D. W. Dockery *et al.*, *N. Engl. J. Med.* **329**, 1753 (1993) (www.nejm.org/doi/full/10.1056/NEJM199312093292401). ‡<http://americasclimatechoices.org/panelscience.shtml>.

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