

The Incredible Overreaching EPA

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The Environmental Protection Agency has the important charge of keeping our water safe and our air clean. It's a mission supported by the business community—and collectively, we've invested \$1.5 trillion over the last 30 years to improve the environment. What we don't support are EPA rules and edicts that are driven by ideology, not science; trample the rights of states, businesses, and citizens; and undermine the economy and job creation.

Today's EPA is simply overreaching. And don't take my word for it. In recent weeks, courts across the country have struck down politically driven rules by an overzealous agency that won't take no for an answer.

The U.S. Supreme Court unanimously said that EPA was using the Clean Water Act to “strong-arm” regulated parties, and one of the justices called the behavior “unthinkable”

for a society that respects property rights. The Fifth Circuit ruled that EPA overstepped its authority under the Clean Air Act when it blocked Texas' clean air permitting program. And a D.C. federal district court equated the agency's claims that it could retroactively veto a validly issued Clean Water Act permit to “magical thinking.”

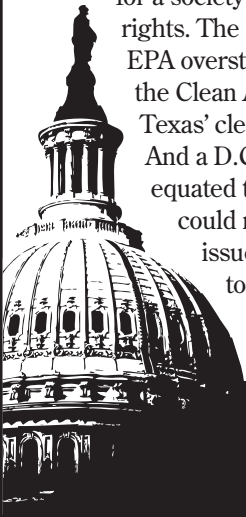
In addition to these and other instances of

overreach, EPA is proposing sweeping new rules with little effort to balance costs and benefits. Even the president had to tell the agency to walk back last year's ozone rules because the costs would be economically disastrous.

Though court decisions and presidential reprimands are important victories in the effort to rein in EPA, the agency shows no signs of slowing down.

EPA's latest strike against jobs and the economy is its recently unveiled Carbon Pollution Standard for New Power Plants. The rule calls for the first-ever greenhouse gas emissions limits for new power plants, which will be virtually impossible to achieve when coal is used. This amounts to a de facto ban on new construction of conventional coal-fired power plants and threatens an essential component of the future U.S. energy mix. Moreover, the restrictive standard could also ban several types of gas-fired power plants. The proposal is legally dubious and has so many holes that its scope could expand well beyond the entities EPA seeks to regulate.

For those targeted by an agency that is often wrong but never in doubt, the courts must remain a vehicle for recourse and relief. The U.S. Chamber will continue to support sensible environmental rules based on sound science and quality data and with benefits that outweigh costs. And we will continue to hold agencies accountable when they exceed their legal authority and undermine our economic recovery.



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