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EPA Mandates Rely On Unsettled Science

By [SHANNON L. GOESSLING](#) 02/10/2010 07:08 PM ET

That the Obama administration and the Environmental Protection Agency are on the wrong climate path is the understatement of the decade.

Recent disclosures through ClimateGate, an EPA whistle-blower and a daily barrage of scientific data call into question every assumption of the United Nations' Intergovernmental Panel on Climate Change (IPCC).

These disclosures make it clear that the EPA's rush to regulate every aspect of American commerce, energy and consumer choices is based on flawed and perhaps even fraudulent scientific data.

Even according to a number of IPCC scientists, if the entire planet adopted the Kyoto Protocol and additionally ceased all productive activity worldwide tomorrow, the global temperature might be reduced slightly less than 1 degree — in 20 to 50 years, a trivial "benefit" purchased at catastrophic cost.

EPA defenders in Congress say not to worry because the regulations that will flow from the EPA's December 2009 endangerment finding have yet to be enacted.

Here's the truth: According to the EPA's extensive documentation, the forthcoming regulations are already placing enormous burdens on companies, employers, consumers and energy ratepayers. And once the regulations take effect, it gets worse.

For example, the EPA estimates a 20% across-the-board increase in costs for attorneys, regulatory compliance professionals, engineers and the like in order to comply with the new regulations. Guess who'll pay the tab? You and I.

Representing more than a dozen members of Congress and more than two dozen associations and companies that are dramatically affected by the new EPA endangerment finding, our firm filed a petition for review with the U.S. Court of Appeals for the District of Columbia this week.

In December, we asked the EPA to reconsider its ill-considered finding. In the coming weeks, we are likely to engage in a number of other challenges to attempt to halt this train wreck.

The Obama administration's agenda, echoing the globalist mantra heard at the recent Copenhagen climate change conference, would force a command-and-control regime onto the struggling U.S. economy that has no parallel in our nation's history.

Every American would be affected at great cost. Farmers and agriculture, manufacturers, trucking-transportation companies, railroads, energy producers and suppliers, and energy-intensive industries like concrete and glass will face staggering mandates that may dwarf the potential costs of pending health care reform.

The trade-off promised by global warming acolytes is an avalanche of so-called "green jobs." A pledge made by President Jimmy Carter more than 30 years ago, millions of green jobs have never materialized, despite billion-dollar public expenditures ostensibly designed to encourage them.

Moreover, according to recent econometric studies of congressional cap-and-trade proposals, which are less stringent than the forthcoming EPA mandates, 4 million U.S. jobs would be lost to increased costs and lower productivity by 2030.

The cost of gasoline, electricity and natural gas would increase approximately 150%. The nation's gross domestic product would be reduced by more than \$630 billion. The impact would be particularly painful to the poor and lower-income families.

Our foundation and the group of petitioners we represent are opposed to the government attempt to take control of key aspects of life on the pretext of saving the planet.

The method by which the EPA arrived at its "finding" is procedurally suspect and is based on science that is anything but what Al Gore has described as "settled."

The unprecedented cost in lives, jobs, services, consumer choices and quality of life inflicted by the EPA's draconian measures staggers the imagination, provides no significant environmental benefit and is likely unconstitutional.

- Goessling is executive director and chief legal counsel for the Southeastern Legal Foundation, a public interest law firm and policy center now litigating against the Environmental Protection Agency.