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Another EPA Rule Comes Under Attack

Wall Street Journal
September 6, 2011
By Deborah Solomon

Just ahead of President Barack Obama's big jobs speech, the American Forest & Paper Association says a pending environmental rule could cost 20,500 jobs or 18% of the industry's workforce.

In a study to be released Wednesday, the group is taking aim at an Environmental Protection Agency rule to cut pollution from factory boilers, saying the regulation will cause 36 U.S. paper and pulp mills to close. The study comes on the heels of a decision by Mr. Obama to jettison another EPA air quality rule related to ozone that industry complained would kill millions of jobs.

The so-called boiler rule has come under sharp attack from both Republican and Democratic lawmakers, as well as industry, which say the regulations would be too costly and difficult to implement. House Majority Leader Eric Cantor included the rule in his list of 10 "job-destroying regulations" that he has vowed to fight.

The boiler rule would affect paper mills, refineries, chemical factories and other facilities that use boilers, such as universities, hospitals and apartment buildings. Boilers are on-site generators that can provide energy for facilities and factories. Bipartisan legislation is now pending in the House and Senate to delay implementation of the rule, with the aim of having EPA reconsider the regulation.

The AF&PA study, conducted by Fisher International, looked at how many mills would be in danger of closing if they had to comply with the new air quality regulations and install new pollution controls. The study found 36 mills would have to close, impacting 18% of the industry's workforce.

Supporters of the rule say the benefits far outweigh the costs and counter job loss claims by saying the new controls being required could provide an economic boost.

“Industry is trying to leverage fears about the economic impact and jobs and ignoring that pollution controls are made and installed here in the U.S.,” said Paul G. Billings, vice president of national policy and advocacy for the American Lung Association.

Gina McCarthy, a top EPA official, is expected to testify Thursday before a U.S. House subcommittee about the rule. The agency, which has touted the health benefits of the rule, has delayed issuing final regulations, saying it needs more time for public input. That’s frustrated environmental and public-health groups, which say the rules would save lives and help avoid thousands of heart and asthma attacks.

John Walke, clean air director at the Natural Resources Defense Council, said the boiler rule is critical because it will cut mercury and other toxic air emissions from incinerators and boilers at industrial facilities. “The the reason it’s important is those sectors are one of only a handful that still have not had lawful toxic emission standards adopted for them under the 1990 clean air act amendments,” he said.

Donna Harman, president and CEO of AF&PA, said the rule will hurt an already hard-hit sector and said lawmakers and regulators should give the industry more time and impose a less stringent standard.

“We’re not asking to not be regulated. We’re asking to have a regulation that can be achieved based on the technology that’s currently available,” she said.

Republicans attack EPA regulations as job killers

San Francisco Chronicle
Carolyn Lochhead, Chronicle Washington Bureau
September 7, 2011 04:00 AM

Washington --

The Republican prescription for job growth, shared by tonight's presidential debaters and Republicans in Congress, is to dismantle regulations proposed by the Obama administration, especially the Environmental Protection Agency, claiming these are a key culprit in widespread unemployment.

The antiregulation campaign joins deficit reduction as the foundation of the Republican economic program.

The campaign is heavily backed by the U.S. Chamber of Commerce and small business groups that contend regulations are destroying jobs. It follows more than a year of intense verbal attacks launched by Republicans in the House against everything from the Endangered Species Act to new rules on light bulbs.

Obama will announce his jobs plan Thursday in an address to Congress. It is expected to lean heavily on new infrastructure spending and to include extending a temporary payroll tax cut and perhaps including employers as well as employees.

Last week, the Obama administration retreated on new ozone regulations, saying they would cause "needless uncertainty." Environmental groups were enraged. Obama has proposed streamlining existing rules but Republicans say that effort pales next to an edifice of new rules to implement health care and financial laws.

Environmental, consumer and labor groups say the Bush administration's lax regulation led to the housing bubble and 2008 financial collapse, from which the economy is still struggling to recover.

When the chamber announced its campaign to reduce regulations in July 2010, "I thought to myself that it was preposterous, given that it was in the wake of the Wall Street crash, due to regulatory failures, the Massey mine disaster, due to regulatory failures, the BP gulf oil spill disaster, due to regulatory failures," said Robert Weissman, president of Public Citizen, a liberal consumer group.

"But politically the chamber was right," Weissman said. "Clearly it's been taken up in a major way."

Truth, exaggeration

Experts say there is truth and exaggeration on both sides but that environmental rules are not a major source of anemic job growth. The core economic problem, they say, is the debt hangover from the housing bubble that has severely curtailed consumer spending.

"I'm unhappy with the direction that the EPA has been going, but is it the No. 1 or No. 2 reason for lack of jobs in the U.S.? No," said Murray Weidenbaum, a regulatory expert at Washington University in St. Louis and former Reagan administration economist.

Rep. Mike Thompson, D-St. Helena, said he often hears complaints about regulations from businesses, but seldom gets specifics. Thompson helped block an effort to roll back the Endangered Species Act that he said would have sent most of Northern California's water to Central Valley farms at the expense of coastal salmon.

"If there are regulations that need to be fixed, we ought to fix them, but I don't think you throw all regulations out because somehow it hampers someone's bottom line," he said.

House Republican leaders have issued a top-10 list of regulations to roll back, citing administration estimates that seven big new rules would cost more than $100 billion a year.

These include tighter pollution controls on coal-fired power plants, commercial boilers, cement plants, farm dust, greenhouse gases and the retracted ozone rule.

"The EPA is our No. 1 issue, and the reason is pretty simple: This is what our member companies have complained about more than anything else," said Ross Eisenberg, the chamber's environment and energy counsel.

Several utilities have said they will close coal-fired power plants because compliance with new rules is too costly. "How could these not have an impact on jobs if you're announcing that you're closing down facilities?" Eisenberg said.

But business groups use a discredited study by a government consultant to claim that regulations cost $1.75 trillion a year, and extrapolate that to $10,000 per worker at small businesses.

Costs and benefits
The EPA and its supporters also may exaggerate the benefits of regulations. The administration's budget office estimated that the last decade of regulations cost as much as $62 billion a year while producing $655 billion in benefits.

But the budget office said the EPA alone accounts for most of these figures, and that the benefits come mainly from reducing one pollutant: fine particulates.

Susan Dudley, director of the Regulatory Studies Center at George Washington University and a former Bush administration regulatory chief, pointed to EPA claims that its proposed rule on mercury pollution from power plants would prevent as many as 17,000 premature deaths and 11,000 heart attacks each year, saving $140 billion.

Even the EPA estimated that would save just $6 million a year. Most of the $140 billion in claimed benefits came not from mercury but from ancillary reductions in fine particulates.

"If businesses have to spend money to comply with regulations, that's money they can't spend hiring more people or being more productive," Dudley said, while the benefits may not directly boost economic growth.

But Isaac Shapiro, head of regulatory policy for the liberal Economic Policy Institute, said Republicans exaggerate costs to reframe regulation as a jobs issue. By his estimate, all rules finalized under the Obama administration cost less than 0.1 percent of the gross domestic product, hardly enough to affect the economy.

"When we adopted legislation to deal with acid rain from power plants, which poisoned lakes and streams in the Northeast and Canada," said Rep Henry Waxman, D-Los Angeles, who has been behind many health and environmental regulations in the past 30 years, "industry claimed millions of dollars in costs that turned out to be a fraction of what they predicted when they finally had to do what they were required to do."

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Spurned on smog, Lisa Jackson has a choice to make

Politico
9/6/11 9:19 PM EDT
By ROBIN BRAVENDER

The EPA chief hasn’t spoken publicly on the rule beyond an official statement. | AP Photo Close

Will EPA chief Lisa Jackson stay or go?

That’s the new parlor game among Washington insiders after the White House publicly undercut the agency’s attempts to install tougher regulations on smog.

Since the White House's announcement Friday, Jackson hasn't spoken publicly on the rule beyond an official statement touting the president's leadership on clean air issues. Someone who has spoken with Jackson since Friday told POLITICO she's still digesting it all and hasn't shared even with those closest to her what her thinking is.

President Barack Obama invited Jackson on Air Force One Sunday when he toured areas of New Jersey that had been damaged by Hurricane Irene. Jackson served as a New Jersey state official for several years.

As the EPA administrator, Jackson's been a loyal foot soldier for the Obama administration, leading the Gulf Coast Restoration Task Force and fighting congressional Republicans tooth and nail on environmental regulations.

"I certainly think the White House genuinely wants her to be comfortable with this decision and to stay," an administration source said.

A White House official said Obama expects Jackson will stay with the administration.

"Under the leadership of Lisa Jackson, the EPA has taken historic steps to protect public health and in his statement on Friday, the president again reiterated the important role she has played and will continue to play as a member of his team," the official said in an email.

"The president fully expects Administrator Jackson to continue to play an aggressive role in protecting the air we breathe, the water we drink and most importantly the health of our families," the official added.

The EPA declined to comment, pointing to the White House statement. And Jackson ducked a question on the rule from a pool reporter during Sunday's New Jersey trip.

For Jackson — whose teenage son suffers from asthma — the smog rule has been a long time coming.

"This is one of the most important protection measures we can take to safeguard our health and our environment," Jackson said in 2009 when announcing plans to tighten the George W. Bush-era standards. "Smog in the air we breathe can cause difficulty breathing and aggravate asthma, especially in children."

And she doubled down this summer, calling the Bush administration standards "not legally defensible," given the Bush White House rejected science advisers' calls for tougher limits.

As recently as July, EPA lawyers were asking a federal appellate court in Washington to delay litigation over the Bush-era ozone standard because a new Obama ozone rule was just around the corner.

But major business groups appealed directly to the White House, warning that the ozone rule would be one of the most expensive environmental rules ever imposed on the U.S. economy — with an estimated cost of up to $90 billion annually — and that a new rule would hurt Obama's reelection bid.

Jackson didn't get much of a heads up prior to the announcement, prompting criticism from greens that the White House had blindsided the EPA chief. An administration official said that the White House didn't notify the agency of the decision until last Thursday — and that the EPA was not involved in the decision-making process.

The White House had been reviewing EPA's proposal since July. Many observers speculated that the administration would try to appease both sides with a final standard of 70 parts per billion — more than environmentalists wanted, but less than industry feared.

So far, the White House has taken several steps that appear aimed at blunting the force of its decision on Jackson.

Obama issued the decision himself, calling it part of a larger effort aimed at "reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover." And top White House officials have also doubled down on their commitment to setting new limits for mercury from power plants — another one of Jackson's top priorities.

Still, some of Jackson's supporters don't expect her to stick around much longer in light of the decision, and some are even calling for her to resign in protest.

"I don't think she's going to resign immediately," said Frank O'Donnell, president of the advocacy group Clean Air Watch. But, he added, "If six months from now Lisa Jackson was going to go off and spend more time with her family, who could blame her?"

Thomas McGarity, a professor at the University of Texas Law School and a member scholar at the Center for Progressive Reform, wrote in a blog post Tuesday that Jackson should either defy the president by issuing the standard or "do the honorable thing and resign."

Plenty of other observers don't think Jackson is looking to get out in a hurry, pointing to other high-profile EPA regulations coming down the pike, such as the utility air toxics rule and greenhouse gases regulations.

GOP energy strategist Michael McKenna said he doesn't think Jackson is on the outs. "Where's she going to go?" he said.

But he said Jackson's clout has been jeopardized now that she's been so publicly overruled by the White House.

She'll be thinking, "What am I going to get sandbagged on next?" McKenna said. "This is just throwing chum into the water for sharks."

EPA's critics in industry and on Capitol Hill have already called for Obama to ease up on rules beyond just the ozone standard.

Sen. Jim Inhofe (R-Okla.) the ranking member of the Environment and Public Works Committee, said Tuesday that he hopes Obama will continue to pull back on other controversial rules.

"I think that definitely that he is going to do that because that's where the politics is," Inhofe said. However, he said, "I wouldn't want him to do that to the extent that he'd be reelected."

House Speaker John Boehner and Majority Leader Eric Cantor asked Obama on Tuesday to use ozone as a starting point for scaling back regulations.

“While we appreciate your announcement on Friday asking the EPA to withdraw its new draft ozone standards, we believe it is critical to not stop there, and instead act to further reduce this cumulative regulatory drag of uncertainty on economic growth and job creation,” the Republicans wrote in a letter to the White House.

Darren Samuelsohn contributed to this report.

This article first appeared on POLITICO Pro at 9:12 p.m. on September 6, 2011.

Ex-EPA official slams Obama on ozone

Politico
By Robin Bravender
9/7/11 9:44 AM EDT

A former top Obama EPA official is slamming the president's decision to pull the plug on setting a tougher smog rule.

Lisa Heinzerling, who served as chief of the EPA policy office for President Barack Obama before returning to work as a law professor at Georgetown, wrote a scathing critique Sunday in Grist Magazine, calling Obama's announcement "terribly bad news, and terribly bad policy."

Obama on Friday announced that he had instructed EPA chief Lisa Jackson to withdraw the rule as part of his administration's effort to "underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover."

But pulling the rule for that reason is "unlawful," Heinzerling wrote. The U.S. Supreme Court has "unequivocally held that the Clean Air Act forbids the consideration of economic costs" in setting national air quality standards.

Heinzerling also blasted Obama for keeping the George W. Bush administration's 2008 standard in place after the EPA's independent science advisers had said it didn't go far enough to protect public health.

"It is hard to see how President Obama's decision today reflects an attitude toward science that is any more respectful than the attitude the Bush administration displayed in its 2008 ozone standard," she said.

And in light of Obama's stated commitment to transparency, Heinzerling called for the White House to release the final rule that the EPA sent over to the Office of Management and Budget in July. "[T]here exists a full package from EPA containing the final rule and the explanation for it," she wrote. "The least the White House can do at this point is to release that package."

Boxer: I hope greens sue Obama

Politico
By Darren Goode
9/7/11 8:52 AM EDT

Senate Environment and Public Works Chairwoman Barbara Boxer said she hopes green groups sue President Barack Obama over his decision to punt a regulation curbing smog-creating emissions until at least 2013.

Boxer — whose relatively mild reaction to Obama's surprise announcement Friday was in contrast to heated rebukes by environmental groups — said she will stand by those groups in any litigation to force the administration to issue a final ozone rule that goes beyond what was enacted by President George W. Bush.

Environmental groups charged that Obama made a political calculus by punting on a rule that was a particular target of critics who charge his regulatory agenda has hurt the economy and jobs.

Boxer didn't quite go there. "I'm not making any charge. I'm just saying I disagree, strongly, with their decision," she told reporters Tuesday. She added, "And I hope they'll be sued in court and I hope the court can stand by the Clean Air Act."

Noting that every president regardless of political party has been sued by environmental groups, Boxer said, "And I'm on the side of the environmentalists. If you factor in the health benefits you save so many lives and you prevent so many hospital admissions that it's a big plus for the economy."

Boxer issued a statement Friday saying she was "disappointed" in the decision but also "heartened" by Obama's pledge in his announcement to safeguard the EPA and more specifically the Clean Air Act.

On Tuesday, she defended the milder tone of Friday's statement.

"I'm involved in a hand-to-hand combat with people in the House; they're trying to destroy the EPA, destroy the Clean Air Act," Boxer said, noting she fought a similar battle when GOP presidential candidate Newt Gingrich was House speaker more than a decade ago. "So I was heartened to see that the president went out of his way to address the larger issue of this battle that we're facing."

She added: "So that's why the statement was balanced because I thought what he said was balanced."

Obama — in a letter to House Speaker John Boehner last week — listed the ozone rule at the top of the list of seven regulations whose annual costs top $1 billion annually. The rule was estimated to cost between $19 billion and $90 billion annually.

Boxer said she would use a hearing called by Sen. Tom Carper (D-Del.) on the ozone rule to "examine the charge that this type of regulation actually harms our economy. I don't believe that. Because I don't think they're factoring in the health benefits."

Industry pressure and politics blamed for Obama's smog rule delay

Environmental Finance
By Gloria Gonzalez
7 September 2011

The US Environmental Protection Agency (EPA) will abandon its pursuit of stricter smog standards at the direction of President Barack Obama and in what environmentalists and some legislators decried as a cave-in to industry.

Obama announced on Friday that he asked EPA administrator Lisa Jackson to withdraw the draft Ozone National Ambient Air Quality Standards, which were designed to replace regulations proposed by the previous administration in 2008 that fell short of standards suggested by the EPA's independent science advisory board.

Environmental groups and 14 states sued over the weaker standards and Jackson announced in 2010 that the EPA would reconsider the standards rather than wait for a scheduled review in 2013. But at the president's direction, the agency will reconsider the ozone standards according to the original schedule.

The decision drew sharp criticism and accusations that the administration is prioritising business interests over public health.

“By putting the interest of coal and oil polluters first, the White House seems to be saying that 'clean air will have to wait’,” said Michael Brune, executive director of environmental NGO the Sierra Club.

American smog: voters might choke Obama's re-election if he deals with it (Photocredit)

In the revised rule submitted for White House approval, the EPA proposed lowering the current eight-hour ground-level ozone standard of 75 parts per billion (ppb) to a standard in the range of 60-70 ppb, a level estimated to prevent 12,000 premature deaths per year from heart or lung diseases and thousands of respiratory illnesses and non-fatal heart attacks.

"I honestly believe the administration could have picked a number in the range recommended by the science advisory board that would have protected public health, been legally defensible, and would have seen greater benefits than costs,” said Senator Tom Carper (D-Delaware), who said White House officials would have to explain their decision at a Congressional hearing.

Obama insisted his administration will not back down from its pursuit of stronger clean air regulations and pledged to continue to vigorously oppose efforts to weaken EPA’s authority under the Clean Air Act.

“At the same time, I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover,” he said.

The president’s decision delays enactment of new smog regulations until after the 2012 presidential elections.

“What is shameful about the president’s decision to delay the new ozone rule is that it’s all about improving his chances of being re-elected and has nothing to do with the economic damage that the rule would do,” said Myron Ebell, director of the Competitive Enterprise Institute’s Center for Energy and Environment. “The fact that the president still wants to go ahead after he gets re-elected with a regulation that has been estimated to cost $1 trillion a year shows that he could [not] care less about the US economy and the millions of people who have lost their jobs.”

The EPA’s work on smog and other new regulations has become a hot-button political issue, with the Republican majority in the House of Representatives considering several bills and amendments to thwart the EPA from proceeding with certain regulations or strip the agency of its funding to enact new rules.

“The political folks at the White House must believe that the president needs to show that he is concerned about too much regulation from EPA,” said Jeff Holmstead, head of the environmental strategies group at law firm Bracewell & Giuliani, which represents utilities.

Industry experts said the smog rule withdrawal is a good start, but insisted that the administration should also defer new regulations for controlling sulphur dioxide and nitrogen oxides emissions and to reduce mercury pollution from power plants.

“Even with today’s decision, there are still a bunch of new EPA rules that are keeping industry from investing in the US,” Holmstead said. “Around the country, there are companies who want to build new projects, but EPA has put the brakes on them.”

EDITORIAL:

Broken Windows, Ozone, and Jobs

New York Times (Opinion Page)
Paul Krugman
Sept. 3, 2011

I’ve actually been avoiding thinking about the latest Obama cave-in, on ozone regulation; these repeated retreats are getting painful to watch. For what it’s worth, I think it’s bad politics. The Obama political people seem to think that their route to victory is to avoid doing anything that the GOP might attack — but the GOP will call Obama a socialist job-killer no matter what they do. Meanwhile, they just keep reinforcing the perception of mush from the wimp, of a president who doesn’t stand for anything.
Whatever. Let’s talk about the economics. Because the ozone decision is definitely a mistake on that front.
As some of us keep trying to point out, the United States is in a liquidity trap: private spending is inadequate to achieve full employment, and with short-term interest rates close to zero, conventional monetary policy is exhausted.
This puts us in a world of topsy-turvy, in which many of the usual rules of economics cease to hold. Thrift leads to lower investment; wage cuts reduce employment; even higher productivity can be a bad thing. And the broken windows fallacy ceases to be a fallacy: something that forces firms to replace capital, even if that something seemingly makes them poorer, can stimulate spending and raise employment. Indeed, in the absence of effective policy, that’s how recovery eventually happens: as Keynes put it, a slump goes on until “the shortage of capital through use, decay and obsolescence” gets firms spending again to replace their plant and equipment.
And now you can see why tighter ozone regulation would actually have created jobs: it would have forced firms to spend on upgrading or replacing equipment, helping to boost demand. Yes, it would have cost money — but that’s the point! And with corporations sitting on lots of idle cash, the money spent would not, to any significant extent, come at the expense of other investment.
More broadly, if you’re going to do environmental investments — things that are worth doing even in flush times — it’s hard to think of a better time to do them than when the resources needed to make those investments would otherwise have been idle.

So, a lousy decision all around. Are you surprised?

Obama’s Ozone Flip-Flop: Bad Policy and Bad Politics

TIME (Swampland)
Tuesday, September 6, 2011
By Michael

My lefty friends have been asking me: If I think President Obama has been so great for the earth, and I think his enviro critics are ungrateful whiners, then how do I defend his capitulation to industry on new smog regulations? And the answer is…I don't. He ignored the science, threw the EPA under the bus, and double-crossed green groups who had held off on lawsuits based on administration promises.

All I can say is that it's uncharacteristic. One of President Obama's appealing qualities—although, arguably, a source of some of his problems—has been his stubborn insistence on a distinction between "governing" and "politicking." The ozone decision suggests to me that governing season is over for this term. Politicking season has begun.

Bryan Walsh has explained why White House claims that withdrawing their new ozone regulations had nothing to do with politics are "frankly ludicrous." Industry was kicking and screaming that the rules would kill jobs, so the White House (now managed by former J.P. Morgan Chase executive William Daley, who wasn't a fan of financial regulation either) apparently wanted to signal that its overarching concern is the economy, and that it feels the pain of businessmen who keep complaining about "uncertainty." There are a lot of coal plants in swing states like Ohio.

Substantively, it's a terrible decision. The new ozone regulations would not have gone into effect for at least a year, so the warnings of short-term job-killing were obviously overblown. The history of air-quality regulations suggests that industry would have figured out a way to comply at a reasonable cost in the medium term, saving lives and ensuring a healthier workforce. And even if you don't think we need significantly stricter ozone rules, it was silly to give up a bargaining chip that could have been used in the more important fight over carbon emissions.

I'm skeptical of the politics, too, even in Ohio. Is this flip-flop going to convince the kind of people who believe our economic problems are caused by burdensome regulation (is that what caused the financial implosion of 2008?) and Obama-related "uncertainty" (unemployment has been high for three years on fears that Obama would resurrect Clinton-era tax rates on the rich?) rather than a crippling lack of demand (ding! ding!) that Obama is on their side? And is he sure he wants to pick a fight with environmentalists? They helped defeat Al Gore in 2000 because he wasn't pure enough on Everglades issues. And Obama isn't Al Gore.

I suspect that politically, the real danger in this kind of crass political calculation is undermining what's left of the Obama brand. I've said before that the Obama campaign doesn't seem to have a message for 2012. It's going to be hard to run on hope and change when unemployment is 9%. The argument that Obama's policies prevented even worse outcomes, while true, would be an even harder sell. Presumably, the main message will be that his Republican opponent is an extremist nut—and chances are excellent that he'll have a plausible case to make. But it wouldn't hurt to be able to argue at the same time that whether or not Americans agree with everything he did, Obama has always tried to do the right thing for the country. He said in his Inaugural Address that he would restore science to its rightful place. "Under the bus" is not that place.

Obama is obviously a politician with political advisers and political calculations, but he really has promoted an administration culture of trying to figure out the best policy and let the political chips fall where they may. My favorite example is the little-noticed tax cuts in his stimulus bill, which were dribbled out through tiny weekly decreases in withholding instead of big rebate checks, because behavioral economists believe that people are a bit more likely to spend extra money when they don't realize they're

getting it—even though any political operatives can see that people are a heck of a lot more likely to be grateful about the extra money when they do realize they're getting it.

This is a different approach. Maybe Obama thinks that ticking off ungrateful eco-freaks will enhance his credibility as a reasonable man. But people like clear air. And if they liked crass flip-floppery, right now they'd be enjoying President Kerry's second term—or President Romney's first.

Environmental economy

Chicago Tribune
September 7, 2011

Revive growth, then curb smog.

In matters regarding pollution, President Barack Obama often finds himself with an impossible choice. Should he protect public health, as environmentalists demand, or preserve jobs, as congressional Republicans urge? Both concerns are valid, and both are important tasks for the president. But sometimes, he has to give one or the other priority.

Last week, Obama decided against a new Environmental Protection Agency proposal to reduce smog, which contributes to such illnesses as asthma and heart disease. The decision on ground-level ozone drew a chorus of condemnation from such groups as the Sierra Club and the American Lung Association, which said it will cost lives and raise health care costs.

That prediction is no doubt accurate. But every public policy decision involves trade-offs, and this one was trickier than most.

American Lung Association It would have been one of the most expensive environmental measures ever — with an annual price tag as high as $90 billion. The expected benefits could be even higher, but they could also be as low as $13 billion per year, according to the EPA.

Hundreds of counties would have found themselves in violation of the new standards. Electric utilities and other businesses would have had to lay out funds for upgraded pollution-control equipment. Most would have complied, but some would have closed down.

On a strict cost-benefit basis, the proposal comes close to a tossup. Other expenditures could yield a much bigger payoff.

That's not the only reason the White House rejected the change. Cass Sunstein, head of the president's Office of Information and Regulatory Affairs, noted in a letter to the EPA that the agency is required to revisit the smog standard in 2013, by which time better scientific data will be available.

It made little sense, he indicated, to impose a new rule that may be overhauled in just two years — particularly when the president has promised that federal regulations "must promote predictability and reduce uncertainty." Besides, said Sunstein, the EPA has taken other anti-pollution steps that will have the side effect of reducing smog.

Even if the ozone rule were clearly worth the eventual cost, presidents also have to think about the immediate future. At the moment, Obama is right to focus on the short-term health of the economy, which would suffer from new mandates that put a burden on the private sector.

If the economy remains stalled, the funds needed to pay for environmental improvements will be hard to come by. A strong economy, by contrast, will make such investments more affordable — and far more appealing to the electorate.

Sometimes the difference between a good idea and a bad one is a simple matter of timing. Exercise, for instance, fosters good health. But someone in bed with the flu is well-advised to put off a strenuous run or spin class until after the malady passes.

Over the coming decades, Americans may very well be better off with tighter rules on ozone. But right now, as Obama wisely understands, it's more important to nurse the U.S. economy back to health.

Obama ozone decision a giant step backward

Houston Chronicle
September 6, 2011
By THOMAS O. MCGARITY

Last Friday, President Obama ordered Lisa Jackson, administrator of the Environmental Protection Agency, to withdraw the EPA's new ambient air quality standard for photochemical oxidants (ozone). The order flies in the face of the available science on the human health effects of ozone and means that the people who live in the most urban areas of Texas will remain exposed to levels of ozone in the air that pose a significant risk of death and heart disease. Persons suffering from asthma will be at especially high risk.

Under the Clean Air Act, the EPA is required to establish ambient air quality standards at a level that protects human health with an adequate margin of safety. Once a standard is established, the states are supposed to require sources of ozone-producing pollutants, such as power plants and refineries, to implement controls that are sufficient to ensure that the standard will be attained in the future.

The act also requires the EPA to re-examine the science every five years and determine whether the standard needs to be revised. In 1990 Congress created a scientific advisory board, called the Clean Air Act Scientific Advisory Committee (CASAC), to assist the EPA in this exercise.

Since the EPA first began writing standards for ozone in 1970, they have become increasingly stringent as more scientific information has demonstrated that photochemical oxidants have adverse effects on human beings at lower and lower concentrations.

The currently applicable standard of 84 parts per billion (ppb) was promulgated almost 15 years ago in 1997. Despite the five-year-review requirement, the George W. Bush administration put off revising the standard in 2008, and when it did, it proposed a standard of 75 ppb, which was less stringent than the 60-70 ppb range that the CASAC had recommended. In an extraordinary act of resistance, the CASAC told the EPA administrator that the standard was not supported by the scientific evidence. Not surprisingly, a number of environmental organizations challenged the Bush administration standard in court.

Soon after President Obama was inaugurated, Administrator Jackson struck a deal with those environmental organizations under which the EPA promised to withdraw the Bush standard and promulgate a more stringent one by August 2010. The agreement effectively left the outdated 1997 standard in place, because the EPA told the states not to worry about implementing the withdrawn standard.

The EPA missed the August 2010 deadline. Out of an abundance of caution, Jackson asked the CASAC to analyze the scientific information one more time. The CASAC did so and once again recommended a standard in the 60-70 ppb range. In January of this year, Administrator Jackson said that the EPA would propose a standard in that range.

The agency then completed its proposal and sent it to the White House Office of Management and Budget, where it languished until last Friday, when the president killed it outright.

The upshot of all of this is that the old 1997 standard remains in place. Urban Americans are in worse shape than they would have been had the inadequate Bush administration standards gone into effect.

To say that the environmental organizations that agreed to the postponement have been betrayed would be an understatement. While the Obama administration has dilly-dallied over what should have been a very easy standard-setting exercise, exposure to ground-level ozone has caused, according to the EPA's own calculations, up to 2,200 heart attacks and killed up to 4,300 people per year. The human cost of leaving the 1997 standard in place is that the death toll will continue for at least a few more years.

The administration says that it ordered the EPA to pull back the standard because it would have had an adverse effect on jobs. But the reality is that the standard would create jobs as companies go to greater lengths to reduce pollutants and spend more resources developing alternative energy supplies. Moreover, the EPA estimated that increasing the stringency of the standard would produce up to $37 billion in health benefits annually.

As the 2012 presidential campaign gets under way, President Obama's political advisers apparently believe that it is necessary for him to cozy up to the energy industry. But to those of us who saw the 2008 election as a sign of hope for a cleaner environment after eight years of scientific denial, this remarkable act of political cowardice sounds a lot like "No, we can't."

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EPA's Rules May Force Power Failures

Fox Nation
September 6, 2011
By Tina Korbe, Hot Air

It was easy last week, when President Obama scrubbed an expensive proposed environmental regulation, to wonder whether the world had turned right side up. Without doubt, Obama made the wise decision when it came to proposed new ozone regulations. As Mitch McConnell said on the Senate floor today, the president created more jobs by reversing one regulation than he ever will with a speech. But as I wrote this weekend, only if Republicans continue to hammer away at other job-killing regulations will this

have been a first step worth celebrating — otherwise, it's just a chance for Obama to tout a job-creation gesture and a supposed spirit of compromise.

May I humbly suggest one such regulation to next spotlight for elimination? The Cross-State Air Pollution Rule, when combined with another proposed regulation (the Utility Maximum Achievable Control Technology or "Utility MACT" rule), will cost the country $17.8 billion a year and put 175,000 jobs at risk each year, as well. Now, that's nowhere near as expensive as the proposed ozone regulations — which would have cost the country up to $90 billion a year, with as many as 7.3 million jobs lost by 2020 — but I'd say 175,000 newly employed is nothing to sneeze at. Plus, the two regulations would increase electricity rates by more than 23 percent in some areas of the United States that rely on coal for electricity. In addition, consumers will be paying more than $8 billion a year in higher natural gas prices because of these proposed rules.

Obama environmental policy buckles under pressure

Fort Worth Star-Telgram
Tuesday, Sep. 06, 2011

President Barack Obama gutted his credibility on environmental issues Friday when he ordered Environmental Protection Agency Administrator Lisa Jackson to back away from new restrictions on ozone pollution.

He cited the slow and sluggish economy and said his order shows he has "continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty."

That sounds a lot like Gov. Rick Perry, who hopes tobe the Republican seeking to unseat Democrat Obama in next year's presidential election.

Obama wasn't correcting a rogue agency that had somehow strayed from his guidance. The EPA had been working on new ozone standards for two years, going step-by-laborious-step through procedures required by the Clean Air Act.

At the 11th hour, Obama wouldn't let his agency tighten ozone standards to a level that even the Bush administration had declared necessary to protect public health.

Ground-level ozone is often called smog. It is formed when sunlight cooks and combines pollutants called volatile organic compounds and oxides of nitrogen, which come from vehicle tailpipes and industrial processes, among other sources. It causes some serious health problems and sharply aggravates others.

The EPA has labeled Dallas-Fort Worth a "serious nonattainment area" for its continued failure to meet ozone standards that date back to 1997.

The Clean Air Act requires the EPA to review standards for ozone and other pollutants periodically and set new standards based on the latest scientific knowledge.

The 1997 standard limits ozone in ambient air to no more than 84 parts per billion. In March 2008, after lengthy study showed that the 1997 standard did not adequately protect public health, the Bush administration lowered the limit to 75 parts per billion.

Two months later, environmental groups and others sued in federal court, saying the new standard was not tough enough. Court proceedings were getting under way when Obama took office. In March 2009, the Obama EPA asked the court to halt those proceedings while it reconsidered the standards.

The environmentalists and other parties to the suit agreed to back away. The EPA formally began its standard-setting process in September 2009, and eventually targeted an ozone limit of 60 to 70 parts per billion.

The new standard was due to be released more than a month ago, July 29. The EPA said it was being delayed for administrative review.

Meanwhile, the 1997 limit of 84 parts per billion has remained in effect. Ozone pollution in Dallas-Fort Worth has declined somewhat over time, but the area still has not instituted enough controls to meet the federal standard.

The ozone season this year has been a disaster. Ozone monitors have reached "Level Red" nine times this summer, denoting unhealthy air. At least six monitoring sites will exceed the EPA limit for the year.

Some industry representatives have pressed the White House not to set a new standard, citing the up-to-$90 billion estimated cost of needed pollution controls. Other parties pushed for a new standard, citing the public health cost of not acting.

There is not a more serious environmental issue on Obama's plate than ground-level ozone. At any point during the past two years, he could have sat down with Jackson and told her that economic conditions would get in the way of setting new standards.

The fact that he didn't leads to only one conclusion: Obama buckled under pressure from people who would de-emphasize environmental protection. That's a huge disappointment.

Obama: A No-Go on Ozone

Huffington Post
Bill Chameides, Dean, Duke University's Nicholas School of the Environment
Sept. 6, 2011

A tactical retreat or an abdication?

It's a scant 14 months to the 2012 elections. The economy's in the tank as are the president's poll numbers. (See here, here, here and here.) The pundits tell us (for instance here and here) that Obama will pivot to jobs, jobs, jobs in an effort to rehabilitate his re-election chances. In the wake of recent White House decisions, one has to wonder if that jobs pivot also includes a calculated pivot away from the environment?

In the wake of recent White House decisions, one has to wonder if Obama's been making a calculated pivot away from the environment?

Keystone Cop-Out?

On August 26, the State Department finalized a required environmental impact statement, concluding there'd be no "significant" environmental impacts from the proposed Keystone XL pipeline which would bring tar sands oil from Canada to American refineries in Texas. The pipeline is opposed by many environmentalists (see here, here and here) because its route goes directly across sensitive wilderness areas as well as the Ogallala Aquifer, a critical U.S. groundwater system. There's also general opposition to tar sands oil itself because of its relatively large environmental cost.

Though it's received an environmental green light, the pipeline is not a done deal yet. But the weeks of protests at the White House, which saw more than 1,000 arrested for civil disobedience, have now subsided. Not the kind of protest, I suspect, either Obama or the environmental community would have envisioned on election night 2008 (even if the reality of how much environmental progress could be made and how fast was duly noted).

Not a Standard Bearer on a New Ozone Standard

And then last Friday came what John D. Walke, the Natural Resources Defense Council's clean air director, reportedly compared to "a bomb being dropped." (See here, here and Walke's blog post.) Said bomb was Obama's announcement that he was instructing the Environmental Protection Agency to withdraw its proposed new air quality standard for ground-level ozone, one of the main, noxious components of smog.

This decision is especially disappointing to many of the green persuasion since it harks back to a bitter fight with the Bush administration. In 2008 the Bush EPA chose to set the ozone air quality standard at 0.075 parts per million, meaning that in a given eight hours in a defined region the amount of ground-level ozone in the air cannot exceed 7.5 "parts" of ozone per one million "parts" of air. This, despite recommendations by the Clean Air Scientific Advisory Committee that that standard could not be scientifically justified and that it should be set between 0.07 ppm and 0.06 ppm (the latter being the European Union's current standard).

When Lisa Jackson became EPA administrator in early 2009, she promised the agency would revisit the ozone standard before the statutorily required date of 2013. And work got off to a quick start. By September 2009, the process was formally underway, and in January 2010 EPA announced a proposed new standard between 0.06 and 0.07 ppm.

Everything looked to be on track for a final rule later that summer, but then came multiple delays and missed deadlines. After a July 2011 deadline came and went without a final rule, EPA promised that one was coming soon, one that would be "based on the best science and meet the obligation established under the Clean Air Act to protect the health of the American people" while "consider[ing] costs, jobs and the economy." And one that looked to be in the recommended range of 0.06 to 0.07 ppm. This move praised by some received loud protests from others, with industry claiming that the standard was overly tight, impossible to attain, and too costly in a struggling economy.

In a seeming cave to industry pressure, Obama announced he'd instructed EPA to delay changing the ozone standard until 2013 out of concern that promulgating a new standard would slow the economy and stifle job growth.

A Look on the Green Side
While this isn't his only punt on environmental issues (see here, here, here, and here), to be fair and balanced, we should duly note that Obama has been pushing forward on other environmental fronts, including the following:

Corporate Average Fuel Economy (CAFE) standards: Calling it "the single most important step we've ever taken as a nation to reduce our dependence on foreign oil," Obama announced this past July an agreement with 13 major automakers responsible for 90 percent of the market to raise fuel economy standards to 54.5 miles per gallon for cars and light-duty trucks by 2025.

Greenhouse gas rules: Building on a 2007 Supreme Court ruling that EPA must regulate greenhouse gases if they pose a threat to public health and welfare, the environmental agency has been laying the groundwork to limit greenhouse gas emissions from major sources. In January 2011 EPA announced it's developing standards for power plants and refineries slated for release by the end of 2011 and expected to be finalized by 2012.

The Cross-State Air Pollution Rule (CSAPR): In July 2011 EPA announced a replacement for the embattled 2005 Clean Air Interstate Rule (CAIR), promulgated in the Bush years. The new Cross-State Air Pollution Rule for smokestack emissions aims at tackling emissions of nitrogen oxides (NOx) and sulfur dioxide (SO2) from power plants in the 27 eastern states that together cause ground-level ozone pollution, smog, fine particle pollution, and acid rain.

Suffice it to say, not all of these initiatives have met with applause from industry.

So, is the president jettisoning his environmental agenda to appease the private sector and garner votes (and presumably campaign dollars)? Or is this latest decision a tactical one, perhaps throwing the opposition a bone (by law, the ozone standard has to be revisited at a later date anyway) while preserving the more essential pieces of environmental agenda?

The interesting aspect of this puzzle is that if Obama is not re-elected, we may never know.

Dirty air, politics

The Salt Lake Tribune
Sep 7, 2011 01:01AM

President Barack Obama is playing politics with the health of Americans, and that should not be acceptable to either his political allies or his political foes. The ability to breathe clean air should be an issue on which everyone can agree.

Despite warnings from his own clean-air regulators and scientists in the Environmental Protection Agency, the president is backing away from stricter air-quality standards that would require big polluters to spew fewer dangerous emissions into the air.

Current EPA regulations set a limit of 75 parts per billion of ozone, a noxious substance created when the sun cooks chemicals emitted by vehicles, refineries, energy development and mining. The change that Obama now says can be considered later, after the 2012 election, would have lowered that level to 60 to 70 ppb.

The president has defended the move, saying that stricter standards would ask too much of industry and local governments at a time when the nation's economic recovery from the Great Recession is fragile. He is repeating the mantra of Republicans, who have reduced the complexities of nearly every pressing political issue onto a simple scorecard: job killer or job creator.

Neither they, nor the president, offer any evidence that job creation would be negatively affected anytime soon by cleaning up the air and reducing the lung diseases, asthma and early deaths that pollution causes. But there is ample evidence that cleaner air would save billions on health-care costs and prevent much human suffering.

That kind of benefit is not so easily reduced to a two- or three-word slogan that can be thrown around glibly in a political campaign. And so, it appears, the president will give it short shrift.

Even in conservative Utah, business leaders agree the Beehive State is adversely affected by the high ozone levels along the Wasatch Front during summertime heat waves. The Salt Lake Chamber's position is that Utah's economy would gain by a reduction of unhealthy air pollution.

People do not want to relocate to a state that appears to be following the model of Los Angeles in the '60s.

But it seems politics will trump the health of Americans in Utah and other states where ozone is a problem. Obama is convinced that they can wait, and continue to suffer with toxic air pollution, while he tries to woo the votes of right-leaning independents.

He's turning his back on those who depend on him to do the right thing, and that is unconscionable.

Recognize Obama's many conservative tendencies

The Daily Targum (Rutgers)
Tuesday, September 6, 2011
By Matt Kuchtya

Letter

President Barack Obama rejected a proposed rule from the Environmental Protection Agency (EPA) this past week, which would have imposed stricter air quality standards. Lisa Jackson, the EPA administrator, fought for these ozone reductions but was on the losing end of a battle with Obama and his White House staff. The decision to abandon the tougher emissions standards angered environmentalists and liberal Democrats who formed a large portion of Obama's political base since the lead-up to the 2008 election. Despite Obama's protestations that the new policies would hurt potential economic growth, these constituencies see Obama's most recent pivot as a betrayal of principles they believe the president once held when "change" was the buzzword around the country.

At first glance, this move seems to be another sellout by the president, which runs counter to the ideologies many liberal Democrats believed he held. In the recent debate over the raising of the debt ceiling, Obama was all too willing to compromise with Republicans at any cost and succumbed to their brinkmanship tactics. Of course, the president was unwilling to foolishly let the country default on its financial obligations, but he did not push hard enough for what many people on both sides of the aisle feel the president believes in. The resulting debt "compromise" featured some shared sacrifice on the targeted areas of future spending cuts, but the deal did not contain meaningful revenue increases, of which Obama has supposedly been a proponent.

Moves that repeatedly appear as political sellouts to Democratic followers of the president, however, may in fact be decisions consistent with a moderate conservative ideology. In the same way that former President Richard Nixon was painted as a far-right conservative by those on the left despite some of his center-left policies, Obama may indeed be a center-right moderate who has been painted as a far-left liberal. Republicans felt betrayed by Nixon's support of more liberal policies such as maintaining Great Society programs, creating the EPA and opening relations with China, prompting rebuke from liberals and conservatives alike.

Obama's campaign rhetoric falsely enticed people into believing he would produce extreme changes, but he was often noncommittal and careful with what he was actually saying. Many of his policies while in office have been very moderate or conservative. In regards to domestic issues, his fiscal stimulus package was half the size his economic advisers suggested. His health care reform legislation rejected the single-payer system advocated by members of his liberal base and was rather similar to proposals by Mitt Romney when the latter was governor of Massachusetts. Obama also maintained the Bush tax cuts with little opposition to conservative demands. In foreign affairs, he continued wars in Iraq and Afghanistan and failed to close Guantanamo Bay promptly as he said he would. His personnel included former President George W. Bush's Secretary of Defense and many other long-time Washington advisers who would make change difficult.

Seeing Obama as a political sellout rather than a moderate conservative showcases the fissures and divisions in our current political environment. Some liberals still believe in the "change" Obama advocated on the campaign trail, while others are correctly beginning to perceive his conservative tendencies (see Paul Krugman). The recent rejection of more stringent EPA standards highlights this latter fact perfectly. However, conservatives, even those closer to the center of the political spectrum, still label Obama as a big-government socialist and even question his identity as an American. Misunderstanding Nixon as a far-right conservative and Obama as a far-left liberal demonstrates the close-minded nature of the American two-party system.

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Killing the Ozone Rule: President Obama's Bad Air Day

NRDC Switchboard
By Pete Altman
September 6, 2011

To say that President Obama had a “bad air day” Friday is putting it mildly.

In reversing his Administration's previously strong support for ozone regulations to protect the health of American children, President Obama (in the words of one observer): "drank the conservative Kool-Aid, and agreed that tightening ozone emission rules would have cost billions and hurt the economy. But clean air is very popular politically, and the EPA's own studies show that a tighter standard could have created $17 billion in economic benefits."

President Obama's decision to throw public health under the proverbial bus isn't playing very well on America's editorial and op-ed pages. Hopefully the White House is paying attention to these clips, because with the GOPolluters getting ready to attack more clean air safeguards this fall, the White House will have to make the call on protecting public health vs polluters again and again:

A Bad Call on Ozone, New York Times, (editorial), 09/03/11. This summer, Lisa Jackson, the administrator of the Environmental Protection Agency, sent a new and stronger standard to the White House — igniting a fierce lobbying campaign by industry groups asserting that the standards would require impossibly costly investments in new pollution controls and throw people out of work. Industry has made these arguments before. They almost always turn out to be exaggerated.

The EPA's costs and benefits, Washington Post, (editorial), 09/02/11. What is clear is that the "job-destroying regulation" line is a better slogan than it is an expression of the real trade-offs involved in EPA regulation. Aside from ozone pollution, EPA rules under development would restrict the emission of mercury, acid gases, dangerous fine particles and other pollutants from power plants and other sources. These regulations have costs that can be predicted and measured, in jobs and dollars. They also have measurable benefits — lives saved, chronic illnesses prevented, hospital visits avoided and sick days not taken, which in turn have economic effects.

In a cloud over ozone, Washington Post, (op-ed), 09/02/11. Columnist Eugene Robinson: On Friday, Obama appeared to cede the point. He blocked new EPA rules limiting ground-level ozone — otherwise known as smog — as part of a larger effort to reduce "regulatory burdens and regulatory uncertainty" for U.S. businesses. The move came hours after a disappointing labor report showing that the economy added no new jobs in August. The move to block the ozone rules may make sense politically, since it defuses an issue on which Republicans were prepared to hammer Obama and the Democrats all year. As a matter of public policy, however, it's wrong.

EPA assault advances, Memphis Commercial Appeal, (editorial), 09/03/11. Their contention that easing EPA rules will create jobs seems to be gaining traction. The Obama administration on Friday said it was overruling the EPA's plan to adopt a stricter standard for ground-level ozone, which causes respiratory illness. It's hard to imagine an agenda more transparently callous. That it is getting White House support now, too, leaves advocates for the protection of human lives and the environment wondering what's next.

Don't fall for the anti-regulatory smokescreen, Tampa Bay Tribune, (op-ed), 09/06/11. Sidney Shapiro: Regulatory benefits for significant regulations exceed regulatory costs by 7 to 1. The payoff for environmental regulations is even greater. EPA estimates the regulatory benefit of the Clean Air Act exceeds its costs by a ratio of 25 to 1. Similarly, a study of EPA rules issued during the Obama administration found that their regulatory benefits exceeded costs by a ratio as high as 22 to 1. Even these estimates don't capture the full advantages of regulations; some benefits, such as reducing toxic mercury pollution, are difficult to monetize and aren't even counted. The estimates of benefits from agencies have historically proven lower than reality. Sidney Shapiro is a professor at the Wake Forest University School of Law and a member scholar at the Center for Progressive Reform.

Editorial writers and op-ed columnists are not alone in their criticism of the Obama White House on the ozone rule. The backlash from several quarters has been strong. Consider this item from today's Politico/Morning Energy, a message from my own organization's CEO, Frances Beinecke:

"PRESIDENT OBAMA JUST THREW YOU OVERBOARD." That's the subject line from an email NRDC President Frances Beinecke is sending to supporters this morning over the Obama administration's decision to drop plans for rewriting the Bush-era ozone standards. "Clearly, his political advisers decided he had better curry favor with the fossil fuel barons by throwing us overboard. We get it," Beinecke writes, urging members to call the White House comment line and express their outrage. "The White House has obviously calculated … that there is little or no political price to pay for stabbing the environment in the back. And they have absolutely no reason to stop selling out our families' health and natural heritage to big polluters until they feel our outrage and anger."

(John Walke, also here at NRDC, had equally strong things to say about the ill-considered White House move.)

And then there's the fact that MoveOn.org is now very unhappy with the White House:

"… Justin Ruben, executive director of MoveOn.org, a five-million-member online progressive political organization that played a significant role in President Obama's election in 2008, said he was sure that his members would be deflated. "How are our members in Ohio and Florida who pounded the pavement in 2008 going to make the case for why this election matters?" Mr. Ruben said. "Stuff like this is devastating to the hope and passion that fuels the volunteers that made the president's 2008 campaign so unique and successful."

I could go on, but I think the message is clear enough: A win for polluters is no win for the Obama Administration.