

EPA is hungry for more power

By ACSH Staff — November 23, 2010

The scale of the U.S. Environmental Protection Agency's (EPA) current assault on industry is unprecedented. That's the view of an [editorial](#) ^[1] in yesterday's *The Wall Street Journal*.

Under the leadership of Lisa Jackson, the EPA is stiffening regulations for pollutants by using ambiguous (and easily manipulated) computer models instead of empirical data. For instance, the EPA recently tightened air quality standards for sulfur dioxide. When it published its final ruling in June, the agency included a "preamble" — mentioning for the first time that measurements were being supplanted by modeling — that was added after the formal period of public comment ended in December. Whether this is lawful is a matter of dispute.

The EPA also neglected to take into consideration that sulfur dioxide emissions have decreased by 56 percent between 1980 and 2008, even as there was a 70 percent increase in fossil fuel-based electric generation. That means the EPA's new sulfur dioxide regulations will only produce a net benefit of \$12 million nationwide in 2020.

The EPA's regulatory strictures will negatively affect many industries. In particular, the electric industry will now have to choose between facing major capital expenditures to meet new EPA standards or shutting down and building replacement power plants. Whichever option they decide upon, the American people will be the ones footing the bill through higher service rates. These are, in effect, tax hikes.

Drawing a parallel between the EPA and the FDA, ACSH's Dr. Gilbert Ross believes both agencies are acting in a counterproductive manner by tightening their regulatory structures, but unlike the FDA, the "EPA is squelching business and increasing costs to consumers with absolutely no benefit to public health."

ACSH's Dr. Elizabeth Whelan says she at least understands the role and importance of the FDA, but is still confused about what the EPA wishes to accomplish. "They represent themselves as a public health agency, but they exclusively focus on keeping the environment pristine through projects such as dredging PCBs out of the Hudson River, even though this will ultimately cause more harm to the public."

Ms. Jackson waves off such criticism, dismissing it as an opposition to "common-sense efforts to reduce harmful pollution."

Dr. Ross mused that “perhaps their real goal is to protect the environment from humans.” He still can’t get over the fact that the EPA now favors computer modeling in lieu of data collection to come up with estimates of ambient air quality. “I call this the ‘Garbage In, Garbage Out’ approach — the EPA relies on assumptions to fudge data so that the results are guaranteed to come out in accordance with their own predetermined policy agendas.”

Dr. Ross predicted such regulatory assaults last year in an [op-ed](#) [2] in Forbes.com.

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