

# Louisiana tells EPA that it should let Congress handle greenhouse gas regulation

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The state Department of Environmental Quality has demanded that the federal Environmental Protection Agency rescind **its recent finding** that **greenhouse gases endanger** present and future generations, and take no action to require industries and small businesses to reduce greenhouse gas emissions.

Instead, Congress should be allowed to address any need for new regulations, said DEQ Secretary Harold Leggett **in a Tuesday letter** to EPA administrator Lisa Jackson.

"The issue of global climate change resulting from the emissions of GHGs should be addressed through comprehensive federal legislation, full public debate, and American political consensus rather than through unilateral agency policy under the auspices of EPA," Leggett said in the letter.

**The state is concerned** that EPA already is acting unilaterally to order drastic reductions in emissions without going through its traditional rulemaking process, which could damage both the state's huge petrochemical industry and hundreds of smaller mom-and-pop businesses, said DEQ Assistant Administrator Beau Brock.

That could result in the state being tied up for years in legal challenges to the rules, he said, and a lack of certainty in what rules industry and business will be required to follow.

**South Carolina's** environmental agency and the governor of **Texas** have sent similar letters to EPA.

The Louisiana letter was announced even as President Obama was in **Copenhagen, Denmark**, closing the deal on an international treaty that would take the first steps to limit greenhouse gas emissions worldwide.

The U.S. Senate already is considering legislation that would create a limit or cap on the amount of greenhouse gases emitted nationally. Companies would then buy or sell permits to emit a share of the allowed emissions, mostly carbon dioxide, with the cap reduced over time.

A similar bill already has won approval in the House. Both are aimed at reducing average temperatures worldwide, which scientists say have been rising because of the man-made gases, which trap heat in the atmosphere.

Both versions have been opposed by most Republicans and most of the state's congressional delegation.

EPA issued its endangerment finding on Dec. 7 in response to a 2007 U.S. Supreme Court ruling that threw out a Bush administration finding that greenhouse gases did not pose a threat to public health, and thus did not have to be regulated.

In September, EPA also proposed new thresholds for greenhouse gas emissions from large industrial facilities that would kick in when existing permits expire or when new equipment is installed. In announcing the proposed rules, the agency said they would cover nearly 70 percent of the nation's largest stationary source greenhouse gas emitters, including power plants, refineries and cement production facilities, while shielding small businesses and farms from permitting requirements.

The Supreme Court ruling resulted from a challenge of the Bush administration's health finding by Massachusetts and other states and local governments and environmental groups. In a 5-4 decision, the Supreme Court found that greenhouse gases are air pollutants covered by the **Clean Air Act**.

The court found that "The government's own objective assessment of the relevant

science and a strong consensus among qualified experts indicate that global warming threatens, inter alia, a precipitate rise in sea levels, severe and irreversible changes to natural ecosystems, a significant reduction in winter snowpack with direct and important economic consequences, and increases in the spread of disease and the ferocity of weather events."

Louisiana's own coastal restoration master plan cites 2007 Intergovernmental Panel on Climate Change findings, including its prediction that future sea level rise might be 2 to 6 millimeters a year higher than present rise rates as a result of greenhouse gases -- the equivalent of a 1 1/2-foot to 3-foot rise in sea level over 100 years -- in explaining the need for a comprehensive state restoration program.

"Coastal Louisiana will be among the first places in North America to feel the effects of global warming," according to the master plan. "Its low-lying coast will be directly impacted by rising sea level and more frequent hurricanes."

Brock said DEQ sees no conflict between that language and the state's request that EPA go slow on issuing rules to reduce the emissions causing global warming, though.

"What we're doing is asking EPA to proceed through the proper legislative channels of government," he said. "Regardless of the cause, the departments of this state are trying to combat (coastal erosion) and preserve Louisiana in multifaceted ways."

In his letter to Jackson, a New Orleans native, Leggett said there's a national security interest in assuring the financial health of the state's oil and gas industry.

"The fuel crises which nearly paralyzed the country with the Louisiana landfalls of Hurricanes Katrina, Rita, Gustav and Ike in the recent years clearly illustrated the significance of this base in Louisiana and its impact on the energy lifeline upon which America depends," Leggett wrote.

"Any environmental policy initiated without regard for its economic consequences will most certainly impact every American,"

He said that EPA should explain how much any new rule will cost federal, state and local governments, the regulated community and the public before it is implemented.

"Costs associated with some of EPA's recent actions on greenhouse gases, potentially place Louisiana and American jobs at grave risk and pose a detrimental effect to our state's economy during a time of recession and historic unemployment nationwide," he said.