



Written by [Raven Clabough](#) on December 30, 2010

EPA Cap-and-trade Regulations Would Circumvent Congress

[Fox News](#) reports, "On Jan. 2, new carbon emissions limits will be put forward as the Environmental Protection Agency prepares regulations that would force companies to get permits to release greenhouse gases under the Clean Air Act."

Republican opponents assert that the new regulations are a backdoor effort to implement President Obama's cap-and-trade agenda on global warming that would circumvent Congress, which has contested cap and trade as an expensive jobs killer.

This year, the House of Representatives passed a cap-and-trade bill that would have forced caps on carbon emissions, but the Senate never took up the measure for a vote.

In November, however, President Obama indicated that he was open to using EPA regulations to limit greenhouse gas emissions in the same way the legislation would have.

Ken Green of the conservative American Enterprise Institute summarizes the opposition:

They are jobs killers. Regulations, period — any kind of regulation is a weight on [the] economy. It requires people to comply with the law, which takes work hours and time, which reduces the profitability of firms. Therefore, they grow more slowly and you create less jobs.

The White House claims that it has the power to issue the regulations under a 2007 Supreme Court ruling that allows the Environmental Protection Agency to make a determination on whether carbon dioxide is a hazard to human health.

Republican Representative Fred Upton, incoming House Energy Committee Chairman, asserts that it is the duty of Congress to act against the regulations:

The best solution is for Congress to overturn the EPA's proposed greenhouse gas regulations outright. If Democrats refuse to join Republicans in doing so, then they should at least join a sensible bipartisan compromise to mandate that the EPA delay its regulations until the courts complete their examination of the agency's endangerment finding and proposed rules.

Earlier this year, a bill was proposed that would have stripped the EPA of the power to set carbon emissions limits. The measure received bipartisan support and could be brought back again for another vote in 2011.

However, the White House is gearing up for a battle as well. Recently, the Director of the White House Office of Science and Technology Policy, John Holdren, circulated a memo calling for "a clear prohibition on political interference in scientific processes and expanded assurances of transparency."





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