

Fingers pointed at EPA during budget hearing

March 4 -- Sen. Dianne Feinstein turned a March 4 budget oversight hearing into an opportunity to blast EPA Administrator Stephen Johnson for being snail-like on a Supreme Court order to limit greenhouse gas emissions.

In a landmark ruling last April 2, Supreme Court justices issued a 5-4 decision ruling that carbon dioxide and other heat-trapping gases emitted from vehicles could be regulated under the Clean Air Act as pollutants. But the Environmental Protection Agency hasn't issued any regulations 11-plus months after the high court's prompt.

"I've got to believe you're stonewalling," the California Democrat who chairs the Senate Interior and Environment Appropriations Subcommittee told Johnson. "The only conclusion that I can draw is that you are under pressure not to do it."

Johnson, who repeatedly gave convoluted answers to Feinstein's direct questions, said climate change is a serious issue and that he's evaluating what steps to take. He's also still investigating how the high court's decision might affect emissions from power plants, factories and other stationary sources, he said.

"I don't have a date, but I can assure you we will be responding to Massachusetts v. EPA," Johnson said.

"I don't know the answer to that," Johnson said when Feinstein asked him how many EPA employees are working on the endangerment finding.

That prompted Feinstein to respond, "The answer I deduce from your answer is that you have no one working on it."

Last month EPA spokesman Tim Lyons indicated that an aggressive energy bill signed into law in December could trump separate agency action. That law bumps up biofuels and vehicle fuel efficiency significantly.

In December, the agency forwarded a finding that greenhouse gas emissions endanger public health and welfare to the White House Office of Management and Budget.

Lack of an EPA timeline to respond to the Supreme Court's remand prompted Feinstein to write a letter to Johnson Jan. 25. "In 2007, the agency appropriately dedicated thousands of hours of professional staff time to considering whether greenhouse gas pollution endangers public health and welfare," she wrote. "EPA staff also made tremendous progress developing the regulations that such an endangerment finding would require. However, all work on these regulations has, reportedly, been halted."

In November, Johnson said he planned to issue draft regulations for greenhouse gas emissions from mobile sources by the end of 2007 so the rules could be made final in 2008. Repeatedly, Johnson has said the court decision requires agency specialists to be deliberative.

"Either we're a government of law," Feinstein said after the hearing, "or we're not."

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