

April 18, 2009

E.P.A. to Clear the Way for Regulation of Warming Gases

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WASHINGTON — The [Environmental Protection Agency](#) on Friday [formally declared](#) carbon dioxide and five other heat-trapping gases to be pollutants that threaten public health and welfare, setting in motion a process that for the first time in the United States will regulate the gases blamed for [global warming](#).

The E.P.A. said the science supporting its so-called endangerment finding was “compelling and overwhelming.” The ruling triggers a 60-day comment period before any proposed regulations governing emissions of greenhouse gases are published.

[Lisa P. Jackson](#), the E.P.A. administrator, said: “This finding confirms that greenhouse gas pollution is a serious problem now and for future generations. Fortunately, it follows [President Obama](#)’s call for a low-carbon economy and strong leadership in Congress on clean energy and climate legislation.”

She said that combatting the emissions that create greenhouse gases would help create millions of new jobs and lessen the nation’s dependence on foreign oil by fostering a more fuel-efficient transportation industry.

As the E.P.A. begins the process of regulating these climate-altering substances under the [Clean Air Act](#), Congress is engaged in writing wide-ranging energy and climate change legislation that could pre-empt any action taken by the agency. President Obama and Ms. Jackson have repeatedly said that they much prefer that Congress address global warming rather than have the E.P.A tackle it through administrative action.

The United States has come under fierce international criticism for trailing other industrialized nations in moving to regulate carbon dioxide and other global warming pollutants. With this move, and the parallel action by Congress toward a cap-and-trade system for greenhouse gases, the American

government can now point to concrete progress as nations begin to write a new international climate change treaty.

However, the E.P.A.'s announcement on Friday did not include any specific targets for reducing greenhouse gases or new requirements for energy efficiency in vehicles, power plants or industry. Those would emerge after a period of comment and rule-making or in any legislation approved by Congress.

Two years ago this month, the [Supreme Court](#), in [Massachusetts v. E.P.A.](#), ordered the agency to determine whether greenhouse gases harm the environment and public health and, if not, to explain why. Agency scientists were virtually unanimous in determining that they do, but top officials of the [George W. Bush administration](#) suppressed the finding and took no action.

In his first days in office, Mr. Obama promised to review the case and act quickly if the finding were justified. Friday's announcement is the fruit of that review. The E.P.A. action was approved after two weeks of scrutiny by the White House [Office of Management and Budget](#)'s regulatory affairs arm.

According to the E.P.A. announcement, the proposed finding was based on rigorous scientific analysis of six gases — carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride — that have been widely studied by scientists around the world. Their studies showed that concentrations of these gases are at unprecedented levels as a result of human activity, the agency said, and these high levels are very likely responsible for the increase in average temperatures and other changes in the earth's climate.

Among the ill effects of rising atmospheric concentrations of carbon dioxide and the other gases, the agency found, were increased drought, more heavy downpours and flooding, more frequent and intense heat waves and wildfires, a steeper rise in sea levels, more intense storms and harm to water resources, agriculture, wildlife and ecosystems.

Environmental advocates applauded a decision that they had sought for years.

“At long last, the E.P.A. has officially recognized that carbon pollution is harmful to our health and to the climate,” said David Doniger, director of the climate center at the [Natural Resources Defense Council](#) and one of the lawyers in the Supreme Court case. “The heat-trapping pollution from our cars and power plants leads to killer heat waves, stronger [hurricanes](#), higher smog levels, and many other direct and indirect threats to human health.”

“With this step,” he added, “Administrator Lisa Jackson and the Obama administration have gone a long way to restore respect for both science and law. The era of defying science and the Supreme Court has ended.”

Auto companies, utilities and other emitters have long dreaded this day but reacted with caution because the regulatory process has just begun and they hope to address their concerns in the legislation now before the House Energy and Commerce Committee.

Roger Martella, general counsel at E.P.A. during the Bush administration, said the finding marks the official start of an era of controlling carbon emissions in the United States.

“The proposal, once finalized, will give E.P.A. far more responsibility than addressing climate change,” Mr. Martella said. “It effectively will assign E.P.A. broad authority over the use and control of energy, in turn authorizing it to regulate virtually every sector of the economy.”

The E.P.A. said that it was not immediately proposing any new rules and reiterated the administration’s stance that a legislative solution is far preferable.

“Today’s proposed finding does not include any proposed regulations,” the agency statement said. “Before taking any steps to reduce greenhouse gases under the Clean Air Act, E.P.A. would conduct an appropriate process and consider stakeholder input.

“Notwithstanding this required regulatory process, both President Obama and Administrator Jackson have repeatedly indicated their preference for

comprehensive legislation to address this issue and create the framework for a clean energy economy.”