

EPA's next regulatory tsunami

Trillions of dollars in ozone compliance and economic stagnation costs, for fabricated benefits

Paul Driessen

Looming Environmental Protection Agency ozone regulations personify the Obama administration's secrecy, collusion, fraud, and disdain for concerns about the effects that its tsunami of regulations is having on the livelihoods, living standards, health and welfare of millions of American families.

Virtually every EPA announcement of new regulations asserts that they will improve human health. Draconian carbon dioxide standards, for example, won't just prevent [climate change](#), even if rapidly developing countries continue emitting vast volumes of this plant-fertilizing gas. The rules will somehow reduce the spread of ticks and Lyme disease, and protect "[our most vulnerable citizens](#)." It's hogwash.

But Americans naturally worry about pollution harming children and the poor. That makes it easy for EPA to promulgate regulations based on false assumptions and linkages, black-box computer models, secretive collusion with activist groups, outright deception, and supposedly "scientific" reports whose shady data and methodologies the agency refuses to share with industries, citizens or even Congress.

It was only in May 2012 that EPA decided which US counties met new 2008 ozone standards that cut allowable ground-level ozone levels from 80 parts per billion to 75 ppb. Now EPA wants to slash allowable levels even further: to 70 or even 60 ppb, equivalent to 70 or 60 seconds in 32 years.

The lower limits are essential, it claims, to reduce smog, human respiratory problems and damage to vegetation. EPA Administrator Gina McCarthy says a 600-page agency staff report strongly recommends this reduction, and her Clean Air Scientific Advisory Committee agrees. They all say the lower limits are vital for protecting public health, especially "at-risk populations and life stages." Her decision will ultimately involve "a scientific judgment" and will "keep people safe," Ms. McCarthy assures us.

Under terms of a convenient federal court settlement, EPA must issue its proposed new standards by December 1 of this year, and make a final decision by October 2015. The process will be "open and transparent," with "multiple opportunities" for public hearings and comment throughout, she promised.

EPA has offered little transparency, honesty or opportunity for fair hearings and input by impacted parties thus far, and we should expect none here. But other problems with this proposal are much more serious.

If the 60 ppb standard is adopted, [85% of all US counties](#) would likely become "non-attainment" areas, making it difficult to establish new industrial facilities or expand existing plants. Even in Big Sky, clean-air Wyoming, [Teton County](#) could be out of compliance – mostly due to emissions from pine trees!

A Manufacturers' Alliance/MAPI study calculated that a 60 ppb ozone standard would [cost the US economy](#) a whopping \$1 trillion per year and kill 7.3 million jobs by 2020. A Louisiana Association of Business and Industry and National Association of Manufacturers study concluded that a 60 ppb rule would penalize the state \$189 billion for compliance and \$53 billion in lost gross domestic product between 2017 and 2040. That's \$10 billion per year in just one state.

But the standard would save lives, EPA predictably claimed, citing 2009 research directed by University of California-Berkeley School of Public Health Professor [Michael Jerrett](#). The study purportedly tracked 448,000 people and claimed to find a connection between long-term ozone exposure and death.

Other researchers sharply criticized Jerrett's work. His study made questionable assumptions about ozone concentrations, did not rely on clinical tests, [ignored the findings](#) of other studies that found no significant link between ground-level ozone and health effects, and failed to gather critically important information on the subjects' smoking patterns, they pointed out. When they asked to examine his data, Jerrett refused.

Michael Honeycutt, chief toxicologist for the Texas Commission on Environmental Quality, says Jerrett and EPA [exaggerate health risks](#) from ozone. The Texas Public Policy Foundation [told EPA](#) the agency needs to consider "the totality of studies on this issue, rather than giving exclusive weight to a single

study,” the foundation emphasized. Unfortunately, EPA almost always focuses on one or two analyses that support its regulatory agenda – and ignores any that might slow or derail its onrushing freight train.

Even worse, those lost jobs and GDP result in *major impacts on the lives, livelihoods, liberties, living standards, health, welfare and life spans of millions of Americans*. And yet, EPA steadfastly refuses to consider these regulatory impacts: for ozone, carbon dioxide, soot, mercury and other rules.

Then there is the matter of outright deception, collusion and fraud at EPA, via these and other tactics.

One such tactic is [sue-and-settle](#) lawsuits. Agitator groups meet with EPA officials behind closed doors and agree on new rules or standards. The agency then conveniently misses a deadline, “forcing” the activists to sue. That leads to a court hearing (from which impacted parties are excluded), and a judgment “forcing” the agency to issue new regulations – and even pay the agitators’ attorney fees! American Lung Association, NRDC, Sierra Club and EPA sue-and-settle collusion resulted in the new ozone proposal.

This clever sue-and-settle tactic was devised by none other than [John Beale](#) – the con artist who’s now in prison for bilking taxpayers out of \$1 million in salary and travel expenses for his mythical second job as a CIA agent. It defies belief to assume his fraudulent propensities did not extend to his official EPA duties as senior policy advisor with his boss and buddy Robert Brenner, helping Ms. McCarthy and her Office of Air and Radiation develop and implement oppressive regulations. Indeed, his own attorney says he had a “dysfunctional need to engage in excessively reckless, risky behavior” and “manipulate those around him through the fabrication of grandiose narratives.” A [US Senate report](#) details the sleazy practice.

As to the “experts” who claim lower ozone limits are vital for protecting public health, there’s this.

The [American Lung Association](#) supports the EPA health claims – but neglects to mention that EPA has given the ALA [\\$24.7 million](#) over the past 15 years. Overall, during this period, the ALA received [\\$43 million](#) via 591 federal grants, and Big Green foundations bankrolled it with an additional [\\$76 million](#). But no one is supposed to question the ALA’s credibility, integrity or support for EPA “science.”

EPA also channels vast sums to its “independent” Clean Air Scientific Advisory Committee, which likewise rubberstamps the agency’s pollution claims and regulations. Fifteen CASAC members received [over \\$181 million](#) since 2000. CASAC excludes from its ranks industry and other experts who might question EPA findings. Both EPA and CASAC stonewall and slow-walk FOIA requests and deny requests for correction and reconsideration. Even congressional committees get nowhere.

As Rep. Lamar Smith (R-TX), Chairman of the House on Science, Space and Technology Committee, [noted in a letter](#), 16 of the 20 CASAC members who “peer-reviewed” the ozone studies also helped to write the studies. That makes it even less likely that their reviews were “independent.”

That Senate report, *The Chains of Environmental Command*, also notes that the Obama EPA has been deliberately packed with far-left environmental activists who work with their former Big Green colleagues to shape policy. They give radical groups critical insider access and also funnel millions of taxpayer dollars through grants to their former organizations, often in violation of agency ethics rules.

These arrogant, unelected, unaccountable, deceitful, dictatorial elites think they have a right to impose ozone, carbon dioxide, ObamaCare and other diktats on us, “for our own good.” They are a primary reason American businesses and families are already paying \$1.9 trillion per year to comply with mountains of federal regulations – \$353 billion of these costs from EPA alone. The damage to jobs, livelihoods, liberties, living standards, health and welfare is incalculable.

The next Congress should review all EPA data, documents and decisions, root out the fraud and collusion, and defund and ultimately reverse all regulations that do not pass muster. The principle is simple: No data, honesty, transparency or integrity – no regulation, and no taxpayer money to impose it.

Paul Driessen is senior policy analyst for the Committee For A Constructive Tomorrow ([www.CFACT.org](#)), author of *Eco-Imperialism: Green power - Black death*, and coauthor of *Cracking Big Green: To save the world from the Save-the-Earth money machine*.