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## Activists Want EPA to Further Cap Emissions

By Fiona Smith

Just days after President Obama said he would attend U.N. climate change talks in Copenhagen to offer some cuts in U.S. greenhouse gas emissions, environmentalists are pushing the administration to dramatically slash heat-trapping gases through the federal Clean Air Act.

The Center for Biological Diversity and 350.org formally petitioned the federal Environmental Protection Agency on Wednesday to set stringent national caps on carbon dioxide and other gases to the level scientists say is necessary to avoid the worst effects of climate change.

The move comes two weeks before the world gathers in Copenhagen to discuss a climate change treaty and weeks after U.S. Senate leaders decided to delay voting on comprehensive climate change legislation until next year.

“[EPA officials have ] taken some very important and laudable steps but they’re not moving as quickly as they need to be,” said Kassie Siegel, director of the Center for Biological Diversity’s Climate Law Institute and author of the petition. “The response needs to be equal to the scale of the crisis.”

The petition asks the EPA to designate seven greenhouse gases, including carbon dioxide and methane, as pollutants under the Clean Air Act. That would open the door for setting national limits on the atmospheric concentrations of those gases through

so-called national ambient air quality standards.

The EPA issued a statement calling the petition’s requests unnecessary: “our view has been that setting a national ambient air quality standard for greenhouse gases would not be advisable and is not legally required.”

Since taking office, Obama administration officials have said they would prefer to address climate change through comprehensive legislation rather than the 40-year-old Clean Air Act.

But while legislative efforts have stalled, the EPA has taken preliminary steps under the act to curb climate change by setting national limits on vehicle greenhouse gas emissions and requiring major emitters to report their greenhouse gas emissions.

Industry groups such as the U.S. Chamber of Commerce have criticized the Clean Air Act as ill-suited to address the unique problem of climate change. Also, the American Clean Energy and Security Act, which passed the U.S. House of Representatives in June, would take away the EPA’s power to set the standards the environmentalists’ petition is seeking.

The Center for Biological Diversity, an Arizona-based nonprofit, and 350.org, a Berkeley nonprofit, want the EPA to set the concentration limit for greenhouse gases at 350 parts per million, a figure

that many prominent scientists now say is the maximum the planet can handle without massive disruption to civilization. The current level is 385 parts per million and rising.

Some environmental groups also take issue with the petition’s stance. While many aspects of the Clean Air Act can effectively address climate change, the concentration limits sought in the petition are not a good fit for the global nature of greenhouse gas pollution, said David Doniger, policy director for the Natural Resources Defense Council’s Climate Center in Washington, D.C.

The EPA has no specific deadline to respond to the petition, but if it fails to respond or denies the petition, the environmentalists could sue in court. But the groups “might face significant legal hurdles in establishing their constitutional legal standing that they have suffered an actual injury,” said **Norman Dupont, chair of Richards, Watson & Gershon’s climate change practice group out of Los Angeles.**

In a similar case in 2007, several states sued the EPA after it denied their petition requesting regulation of greenhouse gas emissions from vehicles, *Massachusetts v. EPA*, 127 S.Ct. 1438. While the states, including California, ultimately prevailed, Dupont said the court found by a 5-to-4 majority that only Massachusetts had shown it suffered an actual injury from climate change.