



David Doniger's Blog

Mural Dyslexia II: Barrasso Bill Intentionally Blind To Dangers of Carbon Pollution



Posted January 31, 2011 in [Curbing Pollution](#), [Solving Global Warming](#)

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Senator John Barrasso (R-WY) and seven other Republican senators today introduced the “[Defending America’s Affordable Energy and Jobs Act](#),” which might better be called the “Deaf, Dumb, and Blind to Dangerous Carbon Pollution Act.”

This update to [my post earlier today](#) outlines the bill's main features.

The bill would block the president, the Environmental Protection Agency (EPA), and every other arm of the federal government *from setting any standard or safeguard to protect our health from the pollution that drives global warming.*

The bill would *repeal EPA’s scientific endangerment determination*, throwing aside the findings of the National Academy of Sciences and countless other scientific experts. The president and his agencies would be barred from ever using those scientific findings in the future, whether for policy, guidance, or regulations.

By overturning the endangerment determination, the bill would *override the Supreme Court’s decision landmark decision ([Massachusetts v. EPA](#))* requiring EPA to act when scientific information shows that carbon pollution is dangerous to our health.

The bill would repeal or block *every action EPA has already taken or is developing to reduce carbon pollution from cars (with one exception below), power plants, oil refineries, or any other industries* – giving the biggest polluters, such as power plants that emit 2.4 billion tons of CO2 each year, a free pass for unlimited pollution.

The bill would even repeal the modest requirement (imposed by Congress itself in 2007) that big polluters *measure and report their carbon emissions* each year. The government and the public will be officially blinded.

The bill makes only one exception, *preserving the historic clean car standards for 2012-2016 cars.* (Even this is a nod to the big polluters, because the auto industry would rather keep standards they’ve made plans around.) But even though nearly a third of the pollution-cutting and fuel-saving benefits of those standards would have been lost without the Clean Air Act, the bill bars EPA from any future role in setting car standards, which would be left to the Transportation Department *under explicit orders to ignore carbon pollution.*

The bill would *preempt many state actions* to curb carbon pollution. It takes away California’s and other states’ historic authority to clean up carbon pollution from cars, by *revoking the California waiver*, and barring EPA from issuing any future waivers. The bill would block state measures (such as in California) to ensure that the power it buys from outside the state meets clean air standards. It would interfere with joint efforts by the 10 northeastern states that are partners in the successful Regional Greenhouse Gas Initiative (RGGI).

The bill would *annul the common law rights that every state has had for more than 100 years* (since the Supreme Court’s decision in [Georgia v. Tennessee Copper](#)) to seek help from the federal courts when pollution from other states harms its citizens or its property.

The bill would block using any other federal law to curb carbon pollution. It would even *block the Energy Department and other agencies from doing their jobs under federal energy saving laws* – they would be legally required to ignore the benefits of reducing carbon pollution when setting energy standards.

Here are some of the health dangers that [EPA has documented](#), but that under this bill EPA and all other agencies would have to ignore:

Deaths and illnesses from more severe heat waves, especially among the elderly, children, and other vulnerable groups.

Deaths and illnesses from more intense smog, produced when temperatures rise, especially among people with asthma and other lung diseases.

Deaths and illnesses from temperature and rainfall changes that spread infectious and insect-borne diseases.

Deaths, injuries, and illnesses from more frequent and severe storms, flooding, and drought, including more severe hurricanes and tropical storms.

The bill's only exception is an empty one – it would allow action only to protect against *imminent and substantial harm* from *direct human exposure* – and then only from *pollution levels higher than any projected to occur in the future*.

To see how radical this is, consider that the Clean Air Act has long protected us not only from “direct human exposure.” It also protects us from other, very real, pathways of danger. Think, for example, of the CFCs that depleted the ozone layer. They were harmless to breathe or touch. But high in the atmosphere they destroyed the ozone layer that shields us from cancer-causing ultraviolet radiation.

The Clean Air Act has saved millions of lives by phasing out those chemicals. What’s different about curbing carbon pollution to protect us from more asthma or from killer heat waves, infectious diseases, and storms?

In short, the Barrasso bill would make America deaf, dumb and blind to climate change and helpless to protect its citizens against the very real health consequences of unlimited carbon pollution.

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