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E.P.A. Moves to Curtail Greenhouse Gas Emissions

By [JOHN M. BRODER](#)

WASHINGTON — Unwilling to wait for Congress to act, the Obama administration announced on Wednesday that it was moving forward on new rules to regulate greenhouse gas emissions from hundreds of power plants and large industrial facilities.

[President Obama](#) has said that he prefers a comprehensive legislative approach to regulating emissions and stemming [global warming](#), not a piecemeal application of rules, and that he is deeply committed to passage of a climate bill this year.

But he has authorized the [Environmental Protection Agency](#) to begin moving toward regulation, which could goad lawmakers into reaching an agreement. It could also provide evidence of the United States' seriousness as negotiators prepare for [United Nations](#) talks in Copenhagen in December intended to produce an international agreement to combat global warming.

"We are not going to continue with business as usual," [Lisa P. Jackson](#), the E.P.A. administrator, said Wednesday in a conference call with reporters. "We have the tools and the technology to move forward today, and we are using them."

The proposed rules, which could take effect as early as 2011, would place the greatest burden on 400 power plants, new ones and those undergoing substantial renovation, by requiring them to prove that they have applied the best available technology to reduce emissions or face penalties.

Ms. Jackson described the proposal as a common-sense rule tailored to apply to only the largest facilities — those that emit at least 25,000 tons of carbon dioxide a year — which are responsible for nearly 70 percent of greenhouse gas emissions in the United States.

The rule would not, as critics contend, cover “every cow and Dunkin’ Donuts,” Ms. Jackson said.

The move was timed to come on the same day that two Democratic senators, [John F. Kerry](#) of Massachusetts and [Barbara Boxer](#) of California, introduced global warming and energy legislation that faces a steep climb to passage this year.

The prospect of E.P.A. regulation of greenhouse gas emissions has generated fear and deep divisions within American industry. Some major utilities, oil companies and other heavy emitters are working closely with Congress to ensure that a climate bill would circumvent E.P.A. regulation by substituting a market-based [cap-and-trade](#) system. Others, led by the U.S. Chamber of Commerce and the [National Association of Manufacturers](#), have worked against legislation and threatened to sue if the E.P.A. tries to impose controls on emissions of heat-trapping gases.

Ms. Jackson said the proposed rule had been written to exempt small businesses, farms, large office buildings and other relatively small sources of carbon dioxide emissions. But under the rule proposed Wednesday, the E.P.A. would assume authority for the greenhouse gas emissions of 14,000 [coal](#)-burning power plants, refineries and big industrial complexes that produce most of the nation’s greenhouse gas pollution.

The proposal will go through several months of drafting and public comment and faces likely litigation from industry and perhaps from environmentalists or citizen groups.

A typical coal-burning power plant emits several million tons of carbon dioxide a year. The 25,000-ton limit is comparable to the emissions from burning 131 rail cars of coal or the annual energy use of about 2,200 homes, according to the [Environmental Defense Fund](#).

Senator [James M. Inhofe](#), Republican of Oklahoma and an opponent of global warming legislation, called the proposed rule “a backdoor energy tax” that circumvents Congress and violates the terms of the [Clean Air Act](#).

Scott Segal, a utility lobbyist with the law firm Bracewell & Giuliani in Washington, said the rule should not be used to rush Congress into passing a poorly drafted bill.

But he also said that the proposal “strengthens the president’s negotiating hand in Copenhagen.”

“Even if the Senate does not act,” Mr. Segal said, “he can legitimately say to other nations, ‘We are taking action on a unilateral basis. What are you doing?’ ”

The proposal, long anticipated and highly controversial, is the government's first step toward regulating greenhouse gases from stationary sources. The E.P.A. has already proposed an ambitious program to restrict such emissions from cars and trucks. The agency published the proposed vehicle emission rule this month; it is expected to take effect next spring.

Ms. Jackson's proposal would require facilities emitting at least 25,000 tons of carbon dioxide and five other pollutants a year to obtain construction and operating permits. The other gases are methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

The threshold is 100 times higher than that required for other types of pollutants like sulfur dioxide that have more acute health and environmental effects.

Ms. Jackson said that while the proposed rule would affect about 14,000 large sources of carbon dioxide, most were already subject to clean-air permitting requirements because they emit other pollutants.

By raising the standard to 25,000 tons, the new rule exempts millions of smaller sources of carbon dioxide emissions like bakeries, soft drink bottlers, dry cleaners and hospitals.

Industry groups reacted quickly, challenging the E.P.A.'s authority to use the Clean Air Act to regulate greenhouse gases and questioning Ms. Jackson's power to lower the threshold for regulation.

Charles T. Drevna, president of the National Petrochemical & Refiners Association, said that the emission of greenhouse gases was a global problem and that it was pointless to regulate only some sources.

"This proposal incorrectly assumes that one industry's greenhouse gas emissions are worse than another's," Mr. Drevna said. "E.P.A. lacks the legal authority to categorically exempt sources that exceed the Clean Air Act's major source threshold from permitting requirements, and this creates a troubling precedent for any agency actions in the future."

Supporters of the plan said that it was carefully written to affect only the biggest emitters.

"This is a common-sense step toward a cleaner, better world," said Emily Figdor, federal global warming project director for Environment America.

