

REINS on Regulators

The Environmental Protection Agency is in the process of proposing and implementing a series of regulatory measures controlling greenhouse-gas emissions from motor vehicles and stationary sources. As a result of these initiatives, well over a million industrial and commercial facilities could be brought within the scope of the Clean Air Act for the very first time. And yet Congress has never expressly approved EPA regulation of greenhouse gases. Instead, the EPA is relying upon decades-old statutory authority, adopted long before Congress considered climate change a serious environmental concern. The most far-reaching environmental regulations in the nation's history are being adopted without meaningful legislative input.

Although the EPA is exercising authority ostensibly delegated by Congress, Congress is not politically accountable for the EPA's actions. Members of both parties decry the EPA's policies. Some argue the agency is too lenient, others that it is too strict. Without a supermajority, neither side has the ability to force the EPA to change course. And so the regulatory train rolls on.

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