

OPINION

Echols: New carbon rule is administrative overreach

By **TIM ECHOLS** published Saturday, June 14, 2014

When I was a kid, we sang a song in Sunday school about the wise man building his house upon the rock. The second verse was about the foolish man building his house upon the sand. I think President Obama's energy policy advisors are building that second house upon the sand and their latest efforts will do little more than cost our country billions.

For those who missed it, the president's Environmental Protection Agency chief recently announced the long-awaited policy on carbon dioxide at existing power plants across the country. I spent last weekend reading and then posting on social media the most egregious parts of the document. As an energy official for Georgia, I should advise you to open a new savings account because this EPA rule is going to hurt.

First, it is not completely clear that the EPA can actually implement a carbon policy as this rule does. Remember, the president was unable to get his "cap and trade" policy — and that was all about carbon — through Congress. I also believe this "reduction" in carbon approach goes well beyond what the Clean Air Act intended. The act was originally designed to regulate power plants, not set energy policy.

The EPA rule further erodes state powers and the Georgia Public Service Commission's responsibility to determine how our power is produced. But this is not the first time our president has encroached on state sovereignty.

Second, as Atlanta Journal-Constitution columnist Kyle Wingfield points out, the rule would create a "perverse" incentive to burn more coal elsewhere. He asks why, and then answers, "because absent a ban on exports, American coal will still be mined, shipped overseas in massive quantities, and probably sold at cheaper prices, to countries who power plants have virtually no regulations on them." The net result could actually be more pollution worldwide.

But those on the president's team, including most of the mainstream media, say the EPA rule will go a long way to persuade others to join in the fight to save the planet. And if they don't come along willingly, some, like New York Times columnist Paul Krugman, suggest a carbon tariff on imports — to teach those countries a lesson. Hmmm ... I wonder how that will go over.

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p. 2

Third, let's be honest. When you read the 1,640-plus pages of the EPA rule, you will hopefully conclude what I did. This rule is about philosophy, politics and legacy — not science. On page 66, the document states that carbon concentrations “by the end of the century would increase to levels that the Earth has not experienced for millions of years.” We have heard this before.

Here's my contention. Before the government enacts another complicated and expensive energy rule, why don't they first keep their promise about handling nuclear waste? We know for a fact that nuclear waste is harmful for 10,000 years or more and not a single ounce of it has been dealt with properly, yet we are not allowed to do anything else with it, such as recycling. After we get the waste issue safely resolved, then we can look at other issues. Fortunately, we recently won our lawsuit and at least the fee they have been charging us for collecting the waste has been terminated.

The truth is that “climate” talk is in vogue right now, and the topic is receiving unprecedented media coverage, but that doesn't give the EPA the right to exceed its authority. Historically, the EPA has been focused on the power plant itself and little else. Until Congress expressly authorizes them to do so, the EPA has no business impacting energy efficiency, solar, and even the power plants we get to turn on.

Even then, I'm not sure even Congress can rein in this agency at this point. But here's hoping for a very big wave.

Tim Echols is a member of the Georgia Public Service Commission.

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