

Dow Jones Reprints: This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers, use the Order Reprints tool at the bottom of any article or visit www.djreprints.com

[See a sample reprint in PDF format.](#)

[Order a reprint of this article now](#)

THE WALL STREET JOURNAL

WSJ.com

REVIEW & OUTLOOK | MARCH 2, 2010

More Carbon Dissidents

Democrats vs. the Obama EPA.

So eight senior Senate Democrats think that Congress—instead of the Environmental Protection Agency—should decide whether or not to regulate carbon. Imagine that: Policy choices that carry enormous consequences for "the workers, industries, taxpayers and economic interests of our states" should be made by duly elected representatives.

That's how the coal-state Senators—led by Jay Rockefeller of West Virginia and including Ohio's Sherrod Brown and Michigan's Carl Levin—put it in a recent letter to EPA chief Lisa Jackson, who is set on using clean-air laws written in the 1970s to impose the carbon limits that Congress won't pass.

A bill is pending in the Senate that would strip the White House's green bureaucrats of this "endangerment" authority. Last week House Agriculture Chairman Collin Peterson and Armed Services Chairman Ike Skelton introduced a resolution that would effectively veto the EPA's ruling. Mr. Rockefeller is drafting legislation to suspend EPA regulation for the foreseeable future, so that energy emissions can "be handled carefully and appropriately dealt with by the Congress, not in isolation by a federal environmental agency."

Ms. Jackson may be bull-headed but even she doesn't want to be run over, so she too is suddenly in retreat. In her response to the Senators, she promises that no regulation for large industrial facilities like coal-fired power plants will swing into place in 2010, that fewer than 400 of these sources will be targeted in 2011, and that the carbon crackdown won't really get going until 2013 (after the next Presidential election).

Ms. Jackson also reveals that the EPA plans to raise the carbon regulation threshold even higher than the 25,000 tons per year that her agency arbitrarily selected. According to the law she wants to invoke, regulation is mandated at 250 tons, which would sweep up farms, schools, restaurants, hospitals and other businesses.

In other words, Ms. Jackson's ruling would be so destructive and unpopular than even she is backing off. Not that this should satisfy Mr. Rockefeller and his liberal carbon dissidents. Unless they stop it, the EPA still intends to punish their taxpayers, utilities and industries—without their votes.

Copyright 2009 Dow Jones & Company, Inc. All Rights Reserved

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our [Subscriber Agreement](#) and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit www.djreprints.com