
REMAPPING DEBATE

Asking "Why" and "Why Not"

Washington Post's lackluster look at the EPA debate

Press Criticism | By Greg Marx | Environment

December 7, 2010 — You might think it would be hard to produce a news article that is simultaneously a puffy profile of an important government official, a credulous conduit for her leading opponents, a feeble explanation of the actual political dynamic, and a lackluster treatment of substantive policy issues. But that's what The Washington Post delivered last week with [its story about Lisa Jackson](#), the head of the Environmental Protection Agency, and the industry interests lining up to battle new regulations that the EPA is considering.

The Post story opens with Jackson belting a little Stevie Wonder — charmingly off-key, of course — to demonstrate her commitment to clean air. Interspersed with other personal touches — she and Republican Senator James Inhofe apparently like one another — we're assured that environmentalists see her as "as one of their most effective champions" ([though there are skeptics](#)). Jackson, we're told, plans to move forward with regulations on greenhouse gases, smog-forming pollutants, and toxic chemicals, guided always by science and the law and impervious to political considerations.

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Against this sunny picture of the public servant at work we get some paint-by-numbers objections from representatives of Big Pollution: Cal Dooley of the American Chemical Council recites the incantation that regulation kills jobs, while Jack Gerard of the American Petroleum Institute says that the midterm results show that the public wants a "policy adjustment" on environmental regulation. They don't seem to be trying very hard, but then again they don't have to be, because the Post didn't bother with the obvious follow-ups.

(For example: just how many jobs, if any, might each of these regulations cost, and through what mechanism? What reason is there for thinking that concerns about EPA rule-making — which were not exactly at the forefront of the national conversation over the last few months — had anything to do with the election outcome? And while we're at it, it's probably true that for some complex issues, like control of greenhouse gas emissions, a legislative solution would be preferable to a straightforward agency regulation, because legislation could better accommodate for any economic adjustments. So why, industry representatives, did you spend the last two years obstructing climate change legislation?)

But beyond the boilerplate complaints, we're given to understand that, somehow, Jackson's authority is in peril thanks to the current "political moment" — though it's never quite clear why that is. Yes, Republicans who are now uniformly opposed to regulation will soon control the House. But Democrats still control the Senate, and the man who appointed Jackson still holds the White House. So how is it, exactly, that the new Congress might "clip her powers"?

To get the answer to that question, you have to turn to [an article in Politico](#) that, coincidentally, appeared online the same day. Robin Bravender, the author of that story, takes up a nearly identical Republicans-versus-the-EPA angle. But she eschews feel-good tidbits about Jackson and fill-in-the-blank complaints from industry types in favor of talking to the people who would have to actually carry out a campaign against Jackson: Republicans in Congress. And, as it turns out, they do have a plan:

GOP lawmakers say they want to upend a host of Environmental Protection Agency rules by whatever means possible, including the Congressional Review Act, a rarely used legislative tool that allows Congress to essentially veto recently completed agency regulations.

The law lets sponsors skip Senate filibusters, meaning Republicans don't have to negotiate with Majority Leader Harry Reid (D-Nev.) for a floor vote or secure the tricky 60 votes typically needed to do anything in the Senate.

This is interesting — and not very widely known. And there's lots more detail at the link, including acknowledgements of the challenges the GOP still faces. After all, there's still a Democrat in the White House (the Politico story notes that the Congressional Review Act has been used successfully only once: an ergonomics rule implemented by the Clinton Administration was overturned once George W. Bush took over). And even without a filibuster, Republicans would need some Democratic votes in the Senate to really advance their campaign (though that's hardly an impossibility).

But the point is, despite holding only one branch of Congress, Republicans may actually have some tools to push back against the EPA, and they plan to make the fullest possible use of them. The "how" is all fairly technical, deep-in-the-weeds, procedural stuff. But if you're a reader who seriously wants to understand how your government works, and what drives policy outcomes, it matters.

Of course, that's not to say that the Politico story is the last word on this subject. The article provides a real service by outlining how this fight might go down. But it doesn't really lay out what the fight is about, and what the consequences of either side prevailing might be. That's especially important because, as both stories note, the battle is over much more than greenhouse gases; also in play are rules for ozone

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air quality, industrial boilers, and coal ash. It'd be helpful to know why regulators might be worried about those things in the first place — for example, concerns about [an increased cancer risk stemming from exposure to coal ash](#) — but the closing quotes from Jackson and an environment advocate are treated about as seriously as the industry flacks' remarks were by the Post.

So, some suggestions for further reading: on all things coal, see Ken Ward's excellent "[Coal Tattoo](#)" blog for The Charleston Gazette. (Here's a [collection of Ward's posts](#) on coal ash; [the most recent](#) flagged some unsettling new research about the 2008 spill in Tennessee.) In October, Jon Walke [argued the case](#) for more regulation of industrial boilers in Grist; last week, shortly after the Politico and Post stories appeared, Greenwire's Gabriel Nelson [reported that the EPA](#) is taking a less strict approach. And on ozone, John Broder of The New York Times [noted last January that EPA analysts had projected](#) stricter standards could prevent up to 12,000 deaths annually from heart or lung disease, while offering a balanced look at the cost of regulatory compliance. Let's hope that, as this debate plays out in D.C., reporters on Capitol Hill continue to help us understand the little details — but also that they keep us focused on the big picture.

This content originally appeared at <http://remappingdebate.org/article/washington-posts-lackluster-look-epa-debate>