



ENVIRONMENTAL PROTECTION AGENCY (EPA) IS OUT OF CONTROL, LITTLE WONDER IT'S CALLED EMPLOYMENT PREVENTION AGENCY; MSLF, WITH EARLIER VICTORIES OVER THE EPA, WILL FIGHT BACK!

On December 2, 2010, the Environmental Protection Agency (EPA) turned forty years old, which generated a *Fox News* headline: "EPA at 40 – An Agency Out of Control." According to the article's author, Phil Kerpen of Americans for Prosperity: "[T]he EPA enters its fifth decade on a regulatory rampage that will crush economic growth, make us poorer, and slow down the true driver of environmental improvement [which is economic growth]."

What Kerpen called the "regulatory rampage," includes:

- New ozone rules likely to reduce the Nation's Gross Domestic Product (GDP) by 5.4 percent by 2020, wipe out 7.3 million jobs, and drive up the price of gasoline and home heating fuel;
- New industrial boiler rules likely to cost \$10 to \$20 billion, wipe out 800,000 jobs, and drive up the price of electricity from America's coal-fired power plants; and
- New fuel economy standards of 62 miles-per-gallon by 2025 likely to doom "safe family vehicles" and, according to the National Academy of Sciences, kill thousands annually in traffic accidents.

That was before the death of a Congress run by Speaker Pelosi and Senator Reid and any hope of President Obama for passage of his "cap and trade" scheme. Election Day 2010 and the quick demise of the "Lame Duck Congress" meant one thing: if Obama and his Al Gore-imitating followers hope to implement their radical agenda, they have but three mechanisms:

- Executive Orders issued by President Obama
- Sweetheart lawsuit filed by environmental groups and settled by Attorney General Eric Holder; and
- Unilateral Agency Action, especially by the EPA.

The EPA knows that its time to implement its agenda is limited; that is why it got a jump on administrative implementation of "cap and trade." With its "greenhouse gas (GHG) regulations, what some call "backdoor" "cap and trade," the EPA is likely to cost the American economy trillions of dollars.

Fortunately, Mountain States Legal Foundation (MSLF) is fighting back!

MSLF is in federal court now to de-rail the EPA's radical GHG agenda.

In addition, MSLF is fighting lawsuits by radical environmental groups that demand a stop to all oil and gas leasing by the federal government until completion of National Environmental Policy Act (NEPA) studies on the impact of leasing on climate change. The result: NEPA caused paralysis by analysis and an end to all oil and gas leasing, let alone any energy development.

The EPA, however, is just getting started. From coast to coast and border to border, the EPA is wreaking havoc:

In West Virginia, the EPA retroactively vetoed a permit issued by the U.S. Army Corps of Engineers to kill the Mingo Logan Mine and hundreds of jobs in economically hard-pressed Logan County. That the permit took seven years, used tens of thousands of pages of NEPA documents, and cost millions of dollars is irrelevant to the EPA, which initially gave its okay to the permit. When the Obama Administration took over, the EPA changed its mind.

In Alaska, the EPA killed a massive off-shore drilling project in the Chukchi Sea on which \$4 billion has been spent to date, arguing that Shell Oil had not analyzed the impact of emissions from ice-breakers on a village of 245 people, 70 miles from the drilling site. Shell Oil had hoped to begin to recover 27 billion barrels of oil—more than 2½ times all the oil that has flowed through the Trans Alaska pipeline in its 30 year history.

In Texas, the EPA took over GHG permitting in the Lone Star State for refineries, power plants and cement facilities; over 167 pending permits, and scores of future permits will be affected. That the Texas program reduced ozone and nitric oxide emissions over the last decade by 22 and 53 percent respectively is irrelevant to the EPA; the EPA demands control. Texas says the EPA action "threaten[s] hundreds of thousands of Texas jobs. . . ."

In North Dakota, the EPA commandeered the State's "visibility" rules to force utilities to use fatally flawed modeling, rather than observed data, to impose multi-million dollar retrofit technology. The expert who created the model that the EPA demands be used admits that the model has significant, even fatal, flaws that causes it, among other deficiencies, to overestimate the benefit of extremely costly, that is, multi-million dollar fixes.

The EPA is out of control, operating in violation of federal law, without "adult supervision," and in a manner contrary to sound, defensive science.

MSLF intends to fight back. MSLF has experience taking on the EPA; for example, MSLF represented a New Mexico man prosecuted for using his private property when the EPA labeled his dry sinkholes "wetlands." MSLF helped pave the way for the Supreme Court to declare the regulation used by the EPA unconstitutional as it won just compensation for the unconstitutional taking of the man's property. With your help, MSLF will beat the EPA again!