E.P.A.’s Doctor No

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On April 2, 2007, the Supreme Court ruled that the federal Clean Air Act plainly empowered the Environmental Protection Agency to regulate greenhouse gases from cars and trucks — and, by inference, other sources like power plants.

There was great hope at the time that the decision would force President Bush to confront the issue of climate change, which he had largely ignored for six years. Instead, it became the catalyst for a campaign of scientific obfuscation, political flimflam and simple dereliction of duty — which United States Senator Barbara Boxer aptly described as a “master plan” — to ensure that the administration did as little as possible.

The guiding intelligence behind the master plan has been Vice President Dick Cheney; Mr. Cheney's point man, in turn, has been Stephen Johnson, the administrator of the Environmental Protection Agency.

It was Mr. Johnson who refused to grant California a normally routine waiver that would have allowed it to impose its own greenhouse gas standards on cars and trucks. It was Mr. Johnson who was trotted out to explain why the administration could not possibly fulfill the Supreme Court’s mandate before leaving office.

And it was Mr. Johnson, in one final burst of negativity, who declared last week that his administration did as little as possible.

The case involved a proposed power plant in Utah and turned on an arcane regulatory question: whether a Clean Air Act provision requiring the monitoring of carbon-dioxide emissions also meant that they could be controlled. This sort of question would normally prompt careful review. Mr. Johnson responded with a 19-page memorandum that added up to one word: No.

Senator Boxer has gone so far as to call Mr. Johnson’s peremptory judgment illegal.

The only thing saving this administration from a total wipeout on clean air issues was a timely decision on Tuesday from the Court of Appeals for the District of Columbia Circuit. It temporarily reinstated the Clean Air Interstate Rule — a 2005 regulation aimed
at reducing soot and smog, and the most important clean air proposal to emerge from
Mr. Bush’s E.P.A. In July, the court found the rule deficient on several counts, but on
appeal it decided that a flawed rule was better than none at all.

So there we have it. One original initiative in eight years, saved at the bell. That’s a poor
showing, and the Democrats are hardly alone in hoping for better under an Obama
administration. Last week, two prominent moderate Republicans — William K. Reilly,
who ran the E.P.A. under President George H.W. Bush, and William D. Ruckelshaus, who
served as administrator under both Presidents Richard Nixon and Ronald Reagan — sent
a little-noticed but eloquent letter to President-elect Barack Obama.

The gist of the letter was that the E.P.A. could be an enormously positive force in the fight
against climate change and oil dependency. All it needed was someone who believed in its
mission and was prepared to use the laws already on the books. Granting California its
waiver, carrying out the Supreme Court decision, regulating emissions from vehicles and
power plants — all this and more, they wrote, could be accomplished with the statutory
tools at hand.

This exhortation from two veterans of the environmental wars was designed to encourage
not only Mr. Obama, but also Lisa Jackson, the woman he has chosen to run the agency.
It was also, however, an arrow aimed at the ideologues who have been running the
agency for the last half-dozen years — and a lament for how little they have done with the
weapons Congress gave them.

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