

# PRIMER ON CLIMATE CHANGE

by Tom Kuennen

## EPA's Declaration of Carbon Dioxide as Pollutant Makes All of Us Polluters

The Environmental Protection Agency (EPA) has declared that carbon dioxide is a pollutant.

EPA's declaration of carbon dioxide (CO<sub>2</sub>) as a pollutant makes every animate being on earth -- not the least of which are humans -- a long-term polluter.

The EPA gives new meaning to the term "bad breath", because all humans and animals exhale carbon dioxide as product of respiration of oxygen.

All scientists know CO<sub>2</sub> is as essential to life as oxygen and water.

Carbon dioxide is omnipresent and absolutely essential to plant growth. In growing, plants breathe in carbon dioxide, use the carbon portion to build their structure (biomass), and exhale oxygen and water vapor. In turn, animals breathe in oxygen and breathe out carbon dioxide, and carbon dioxide's "circle of life" continues.

There's no doubt that carbon dioxide levels are higher in our atmosphere now than in the pre-Industrial Era. But despite a run-up in atmospheric CO<sub>2</sub> content since the Industrial Revolution (after 1700 A.D.), CO<sub>2</sub> and greenhouse gases other than water vapor still only make up less than 0.03 percent of the total atmosphere.

Nonetheless, global warming advocates state this increase in carbon dioxide will lead to ecological disaster, including wild swings in weather patterns, desertification, spread of hot-climate infectious diseases, and greater risks of severe, damaging weather.

But research funded by [The Greening Earth Society](#) shows that increased levels of CO<sub>2</sub> are highly beneficial for plants and the environment as a whole, leading to enhanced growth and many other advantages.

In the meantime, despite the predictions of computer models, no global warming has yet been detected. And other research indicates if any global warming takes place, it

will be minor and also be advantageous to the environment and society.

Because the build-up of CO<sub>2</sub> is linked to increased use of fossil fuels since the Industrial Revolution, environmentalists attempt to forestall presumed global warming by suppressing use of fossil fuels, which provide low-cost electricity and transportation.

Designation of CO<sub>2</sub> as a pollutant would enable the EPA to regulate U.S. emissions of CO<sub>2</sub> to conform to an international treaty restricting those emissions -- the Kyoto Protocol -- which the U.S. Senate already has indicated it would reject. In essence, the EPA's designation would permit the Clinton administration to bypass the "Sense of the Senate" in opposing the Kyoto treaty.

The United Nations' Kyoto Protocol would require that the United States reduce its greenhouse gas emissions by 7 percent from 1990 levels by 2010. It's clear that major cuts in U.S. energy use would be needed to comply, with devastating economic repercussions.

Growth in greenhouse gas emissions are linked to a growing economy and growing energy use. But because the U.S. economy has grown at a brisk rate since 1990 -- and expectations are high that it will continue to do so -- a reduction of the degree required by Kyoto would require a 40 percent cut in business-as-usual energy use by the year 2010, according to Robert Stavins, a Harvard economist.

In the United States, a treaty is not official policy until it's ratified by the U.S. Senate. But in 1997 the U.S. Senate went on record as unanimously opposing any treaty containing the elements of the Kyoto Protocol. As a result, the Clinton administration never submitted Kyoto to the U.S. Senate for ratification and probable rejection.

Instead -- shortly after the after U.S. State Department negotiators returned from Kyoto -- EPA administrator Carol Browner informed Congress that the agency already had the authority to begin meeting Kyoto's emission cut targets because carbon dioxide could be characterized as a pollutant and regulated by EPA pursuant to the Clean Air Act (CAA).

But in a review of the language and structure of the CAA, lawyers have concluded that Congress did not provide EPA with this authority. Instead, they find that Congress deliberately limited EPA's efforts in this area to non-regulatory activities.

The CAA does not explicitly state that EPA may regulate CO<sub>2</sub>. Nothing in the CAA -- not even those sections cited by EPA -- provides that the agency may regulate CO<sub>2</sub>. In fact, the only areas of the CAA that even mention global warming or CO<sub>2</sub> emphasize those emissions should be studied, but not regulated.

The issue is sure to remain contentious as both sides press their cases.

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[Return to PRIMER ON CLIMATE CHANGE Home Page](#)

