

**Mr. Sensenbrenner's Opening Statement for Select Committee on Energy Independence and Global Warming hearing: "Massachusetts v. U.S. EPA Part II: Implications of the Supreme Court Decision."**

**March 13, 2008**

Global warming is a complicated and nuanced topic that needs smart and carefully-devised solutions. And because the policies needed to achieve greenhouse gas reductions also stand to damage our economy, these policies must be both economically and politically feasible.

But left in the hands of regulators and the courts, greenhouse gas reductions could have serious consequences on our economy and our way of life. And I'm afraid the *Massachusetts v. EPA* Supreme Court decision runs the risk of putting this political question in the hands of unelected regulators.

Should the EPA determine it should regulate greenhouse gases through an endangerment finding, the effects could be more far reaching than anyone imagines. We're not talking about just new

cars and, ultimately, power plants. As Peter Glaser, of Troutman Sanders LLP, will testify to today, this could also include several types of buildings, including small factories, assisted living facilities, indoor sports arenas and even breweries. Where I'm from, we don't like the sound of that.

By focusing on two laws – the Clean Air Act and the Endangered Species Act – the courts stand to extend the scope of these laws far beyond what they were intended. Neither of these laws were written to deal with global warming, and using them in an effort to regulate greenhouse gases will result in a mishmash of policies that will have a heavy and unpredictable impact on the economy.

Regulating greenhouse gas emissions through the Clean Air Act is particularly onerous, as anything that qualifies as a source – like the breweries and assisted living facilities I mentioned above – would have to receive proper permits from the EPA for any type of expansion. This permitting process is expensive and time

consuming, and would come at a time where these expenses could create a heavy drag on the economy. There has to be a better way.

One of my principles in evaluating global warming policy is that it must advance technological progress. I'm not sure how EPA regulations can accomplish this. Additionally, I'm confident that EPA regulations of domestic greenhouse gases wouldn't be emulated by other countries, specifically China and India. By unilaterally enforcing greenhouse gas restrictions, the EPA could put the U.S. at a competitive disadvantage.

By using the Clean Air Act and other laws not intended to regulate greenhouse gases, activists are attempting to use the courts to push through heavy-handed regulations that will result in significant trauma to our already slowing economy. I believe, through technology, we can find ways to control greenhouse gas emissions without causing significant harm to the economy. It is an alternate path we must pursue.

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