

EPA's Tower of Pisa policies

Using lies to shore up policies built on shaky foundations of climate, peak oil and sustainability

Paul Driessen

Built on a foundation of sand, the Leaning Tower of Pisa would have toppled over long ago, if not for ingenious engineering projects that keep it from tilting any further. The same thing is true of ethanol, automobile mileage, power plant pollution and many other environmental policies.

Not only are they built on flimsy foundations of peak oil, sustainability and dangerous manmade climate change. They are perpetuated by garbage in-garbage out computer models and a system that rewards activists, politicians, bureaucrats and corporations that support the hypotheses and policies.

At the heart of this system is the increasingly secretive and deceptive U.S. Environmental Protection Administration. Among its perpetrators are two ideologically driven regulators who are responsible for many of today's excessive environmental regulations. When the corruption is combined with the EPA's history of regulatory overkill and empire building, it paints a portrait of an agency that's out of control.

EPA's culture of misconduct has already raised congressional hackles over the [misuse of government credit cards](#) (a recent EPA audit found that 93% of purchases were personal and contrary to agency guidelines); former regional EPA administrator (and now [Sierra Club official](#)) Al Amendariz wanting to [“crucify” oil companies](#) to make examples of them; and former EPA administrator Lisa Jackson, who masqueraded as “[Richard Windsor](#),” to avoid revelation and oversight of her emails with activists.

However, these sorry tales pale in comparison to damaging EPA malfeasance detailed in a new U.S. Senate Environment and Public Works Committee [minority staff report](#) about convicted felon and con artist John Beale. This guy was convicted of bilking taxpayers out of \$900,000 – by convincing EPA bosses and colleagues that he was a CIA agent, failing to show up for work for months, but continuing to receive his six-figure salary. However, these were minor transgressions compared to what he was not prosecuted for.

Beale has admitted he had no legislative or environmental policy experience prior to being hired. Yet he became the lead official for the nation's National Ambient Air Quality Standards for Ozone and Particulate Matter. He and Robert Brenner, his friend and immediate supervisor at EPA, concocted a nefarious plan that used manipulated scientific studies, faulty or even bogus regulatory cost assessments, “heavy-handed management of interagency review processes,” and even [illegal experiments](#) on human test subjects, to impose increasingly tougher, job-killing regulations on US industries.

One of Beale & Brenner's first actions was to work with the [American Lung Association](#) in 1997 in a [sue-and-settle](#) arrangement, which led to ozone and particulate matter standards. This underhanded practice enables EPA officials to meet with environmentalist groups behind closed doors and agree to new proposed regulations. Later, the group files a “friendly suit,” and a court orders the agency to adopt the pre-arranged rules. Meanwhile, EPA awarded the ALA \$20 million between 2001 and 2010. (Had a business had such an arrangement, it would likely have been prosecuted as an illegal kickback.)

The EPW Committee's report notes that Beale & Brenner fine-tuned the sue-and-settle idea – and then intentionally overstated the benefits and understated the costs of new regulations. As a result, Beale & Brenner successfully rammed the PM2.5 and ozone standards through the EPA's approval process and set the stage for myriad additional regulations that likewise did not receive appropriate scientific scrutiny.

In the case of PM2.5 soot particles, the ALA worked with Beale & Brenner to claim tougher regulations would eliminate up to [35,700 premature deaths](#) and 1.4 million cases of aggravated asthma annually. Scientists questioned the figures and said EPA's [flawed research](#) merely “assumed” a [cause-and-effect](#) relationship between soot and health effects, but failed to prove one. Indeed, EPA's illegal experiments exposed people to “lethal” doses of soot, but harmed only an elderly woman with heart problems.

Beale & Brenner pressed on. Not only were the initial PM2.5 and ozone regulations put into effect, but the questionable and non-peer-reviewed data has been used repeatedly as the basis for additional regulations. According to the Senate report, “up to 80 percent of the benefits associated with all federal regulations are attributed to supposed PM 2.5 reductions... [and] the EPA has continued to rely upon the secret science ... to justify the vast majority of all Clean Air Act regulations issued to this day.”

As a House [subcommittee has pointed out](#), the long and growing list of EPA regulations involves costly changes to automobiles, trucks, ships, utilities, cement plants, refineries and gasoline, to name a few. The rules also raise consumer prices, eliminate jobs, and thus actually reduce human living standards, health and welfare – all of which EPA steadfastly ignores, in violation of federal laws and regulations.

Just one EPA industrial [boiler emissions](#) regulation will put as many as 16,000 jobs at risk for every \$1 billion spent in upgrade or compliance costs, IHS Global Insight calculates. The Administration’s regulatory [War on Coal](#), amply illustrated by President Obama’s call to bankrupt the coal industry in the name of alleged manmade climate change, could [eliminate up to 16,600](#) direct and indirect jobs by 2015.

Despite the economic damage, EPA applauded Beale’s regulatory success, and he quickly became one of the federal government’s most powerful and highest paid employees. Even Administrator Gina McCarthy had a hand in advancing his fraudulent and pernicious career, when she appointed him to manage the office of Air and Radiation’s climate change and other international work in 2010.

Then in June 2011, Beale stopped going to work. Despite having filed no retirement papers, under an arrangement with McCarthy, he was allowed to continue receiving his salary. When she finally met with him 15 months later, he said he had no plans to retire. Two months later, Beale’s long-term unexcused absence was finally referred to the Office of Inspector General for investigation.

After McCarthy became the EPA Administrator in July 2013, Beale pleaded guilty to fraud and was sentenced to 32 months in federal prison. His partner-in-crime Brenner retired in 2011 before the agency could take action against him for accepting an illegal gift from a golfing buddy serving on the Clean Air Act Advisory Committee. But again, these crimes pale in comparison to the tens of billions of dollars that their junk science, sue-and-settle lawsuits and other actions have cost US businesses and families.

Now Republican members of the Senate Environment and Public Works Committee are trying to get to the bottom of the Brenner-Beale-EPA “secret science” that has been used to justify so many regulations. On March 17, Sen. David Vitter (R- LA) [sent a letter](#) to Dr. Francesca Grifo, EPA’s Scientific Integrity Official, asking for the original scientific data and voicing concerns about EPA’s apparent violations of international guidelines for ensuring best practices and preventing scientific misconduct. EPA thus far is claiming the research and data are proprietary or [the agency cannot find them](#). Teachers demand that students show their work; we should demand the same from EPA – especially since we pay for it.

The agency’s onslaught of carbon dioxide and other climate change regulations – including proposed rules on [cow flatulence](#) (!) – is similarly founded on fraudulent EPA and IPCC reports, false and irrelevant claims of scientific “consensus,” and computer models that bear no relationship to temperature, hurricane, drought and other planetary realities. Even worse, it is on this flimsy, fraudulent, lawless foundation that our government’s costly, intrusive environmental and renewable energy policies are based – threatening our economy, employment, living standards and families.

Meanwhile, Ms. McCarthy is conducting business as usual. She recently presented her proposed EPA’s [FY 2015 budget](#) to Congress. She says the increased funding should be viewed as an “investment in maintaining a high performing environmental protection organization.” You cannot make this up.

Governors, attorneys general, state legislatures and private citizen groups need to initiate legal actions and demand full discovery of all relevant EPA documents. Congress too needs to take action. Along with one on the IRS targeting scandal, it needs to appoint a select committee or independent counsel to determine

which data, computer models and studies EPA used – and which ones it ignored – in reaching its decisions.

Otherwise our nation's downward economic slide, and distrust of government, will accelerate.

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