

## Eliminating uncertainty in the regulatory climate

By LEW EBERT

RALEIGH

Environmental Protection Agency Administrator Lisa P. Jackson visited North Carolina this week to speak at Duke University about recent EPA policies. Her visit was very timely, as improving the regulatory climate was a top priority in North Carolina this year.

North Carolina recently earned the top rank for regulatory environment on Forbes magazine's "Best States for Business" list. Moving from No. 3 to the top rank in regulatory climate is an example of how North Carolina can grow and become an even better place for business. It is also a testament to significant environmental and regulatory reforms made this past legislative session.

### POINT OF VIEW

The General Assembly proactively enacted common sense reforms to costly and wasteful regulations. Measures such as the Regulatory Reform Act of 2011 increase regulatory efficiency to balance job creation and environmental protection by creating a more streamlined and transparent rulemaking process in North Carolina.

Additionally, Gov. Beverly Perdue and the state Department of Environment and Natural Resources were influential in the delay of new EPA ozone standards this fall, voicing concerns with the compliance timeline and standard. Our state leaders have remained stewards of the environment while enhancing regulatory certainty and reforms necessary for companies to spend capital and create jobs.

Most everyone would agree that regulations are important to promoting the health and safety of citizens and maintaining certain quality of life standards in our state and nation. However, there also need to be checks and balances on the regulatory system itself.

The North Carolina business community widely recognizes the strong correlation between economic certainty and job creation. Government-induced uncertainty created by the recent and unprecedented upsurge of EPA rulemaking

and regulatory activity harms businesses' ability to invest and grow.

The EPA is currently considering hundreds of costly rules, such as the Utility MACT (Maximum Achievable Control Technology) standard with an over \$10 billion compliance price tag. The administration's recent decisions to scale back on new ozone standards and the industrial boiler rule are a step in the right direction and a clear sign that the associated costs were unbearable for manufacturers and other affected businesses vital to the economy.

Unfortunately, this only puts a dent in the cumulative costs and overlapping time frames of EPA regulations detrimental to economic growth, business development and innovation in our state. For example, it is estimated that North Carolina will lose a staggering 47,000 jobs due to the combined cost of the proposed Utility MACT standard and the Cross-State Air Pollution Rule.

As companies rebound from the recession, a predictable regulatory climate is imperative to spur job creation. A sound economy that encourages growth and development is not mutually exclusive of sound environmental protections.

According to the EPA, from 1990-2008, aggregate U.S. emissions were down 41 percent and GDP was up 64 percent.

During this time of slow economic recovery and high unemployment, it is important to streamline the regulatory process to lift unnecessary and costly burdens to job creators and reduce waste and duplicity in government – working towards the ultimate goal of a clean environment and economic growth.

The North Carolina Chamber welcomed Administrator Jackson to our state, and we hope she took back positive messages of North Carolina's nonpartisan efforts to promote certainty for job creators and put our citizens back to work.

*Lew Ebert is president and CEO of the North Carolina Chamber, the statewide business organization.*

## Beware false choices that threaten our health

By LISA P. JACKSON

Americans must once again stand up for their right to clean air and clean water.

Since the beginning of this year, Republicans in the House have averaged roughly a vote every day the chamber has been in session to undermine the Environmental Protection Agency and our nation's environmental laws. They have picked up the pace recently – voting to stop the EPA's efforts to limit mercury and other hazardous pollutants from cement plants, boilers and incinerators – and it appears their campaign will continue for the foreseeable future.

Using the economy as cover, and repeating unfounded claims that "regulations kill jobs," they have pushed through an unprecedented rollback of the Clean Air

Act, the Clean Water Act and our nation's waste-disposal laws, all of which have successfully protected our families for decades. We all remember "too big to fail"; this pseudo jobs plan to protect polluters might well be called "too dirty to fail."

... How we respond to this assault on our environmental and public health protections will mean the difference between sickness and health – in some cases, life and death – for hundreds of thousands of citizens.

This is not hyperbole. The link between health issues and pollution is irrefutable. Mercury is a neurotoxin that affects brain development in unborn children and young people. Lead has similar effects in our bodies. Soot, composed of particles smaller across than a human hair, is formed when fuels are burned and is a direct cause of premature death. Nitrogen oxides and volatile organic compounds contribute to the ozone alert days when seniors, asthmatics and others with respiratory problems are at serious risk if they do nothing more dangerous than step outside and breathe.

"Too dirty to fail" tries to convince Americans that they must choose between their health and the economy, a choice that's been proved wrong for the four decades that the EPA has been in existence. No credible economist links our current economic crisis – or any economic crisis – to tough clean-air and clean-water standards.

A better approach is the president's call for federal agencies to ensure that regulations don't overburden American businesses. The EPA has already put that into effect by repealing or revising several unnecessary rules, while ensuring that essential health protections remain intact.

We can put Americans to work retrofitting outdated, dirty plants with updated pollution control technology. There are about 1,100 coal-fired units at about 500 power plants in this country. About half of these units are more than 40 years old, and about three-quarters of them are more than 30 years old.

Of these 1,100 units, 44 percent do not use pollution controls such as scrubbers or catalysts to limit emissions, and they pour unlimited amounts of mercury, lead, arsenic and acid gases into our air.

Despite requirements in the bipartisan 1990 Clean Air Act amendments, these facilities have largely refused to control their emissions – creating an uneven playing field for companies who play by the rules and gaming the system at the expense of our health.

... Our country has a long tradition of treating environmental and public health protections as non-partisan matters. Our environment affects red states and blue states alike. It is time for House Republicans to stop politicizing our air and water. Let's end "too dirty to fail."

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