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EDITORIAL

A Change of Air

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WHEN CHRISTINE Todd Whitman left her job as EPA administrator in June, she vehemently denied that her decision had any significance for the administration's environmental policy. Still, some doubted whether her decision to leave was purely personal -- and it seems they were right to do so. Over the past week, the EPA has announced two long-awaited, significant changes to policy, both of which inspire extreme environmentalist outrage and warm industry support. Both point to a shift in administration policy in the absence of Ms. Whitman's moderating influence.

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The first decision, announced Wednesday, was a change to the EPA's "clean air" rules. Older power utilities will now be allowed to upgrade or modernize some of their facilities without having to add expensive new pollution-control equipment. Previously they were required to do so under a set of rules known as "new source review." Not surprisingly, the utilities most affected by this change have hailed it, on the grounds that it brings "clarity" to a heavily disputed (and heavily litigated) set of regulations and because it will allow them to install equipment that will, they say, make their plants run more efficiently. Environmental activists have lambasted the change, arguing that it will allow these older plants to install equipment that will raise their levels of pollution along with their efficiency.

On Thursday came the second decision: The EPA announced that, after careful consideration of the issue, the agency does not have the power to regulate carbon dioxide emissions. The EPA's general counsel, Robert E. Fabricant, issued a memorandum reversing the arguments of his Clinton administration predecessors. He declared that the EPA "cannot assert jurisdiction to regulate in this area" and would require a congressional mandate to do so. Carbon dioxide emissions, while not harmful to humans in the same degree as other kinds of emissions, are thought to be the most important of the "greenhouse gases" that cause global warming. For technical reasons they are expensive to control, and this administration has gone out of its way to avoid regulating them. Indeed, Ms. Whitman's first setback as EPA administrator came when she was firmly told, early in her tenure, to stop talking about carbon dioxide altogether.

While neither of these changes will necessarily cause clouds of

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pollution to be released into the air right away, they do signify a major change of direction for the beleaguered agency. All week EPA officials sought to minimize controversy, claiming that the "new source review" decision is a technical rule change with little or no impact on actual levels of pollution and that legal arguments justify the carbon dioxide decision. Both claims are disingenuous,

because both changes are significant. The agency had been pursuing litigation against older power plants, aimed at getting them to upgrade their equipment, but now will surely drop attempts to force compliance with a rule that no longer exists. Until last week, the question of whether the EPA would soon try to regulate carbon dioxide emissions was still open. Now it is closed. While the consequences of these decisions may not be felt for some time, they clearly reflect a bias toward industry and away from regulation. Although the agency was heading in that direction anyway, Ms. Whitman's departure may well mark a more substantial change of climate at the EPA.

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