

113TH CONGRESS
2D SESSION

S. 2161

To prohibit the Administrator of the Environmental Protection Agency from issuing any final rule under the Clean Air Act until the date on which the Administrator improves certain employment effect analyses under that Act.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 2014

Mr. INHOFE (for himself, Mr. McCONNELL, Mr. CORNYN, Mr. THUNE, Mr. BARRASSO, Mr. BLUNT, Mr. VITTER, Mr. SESSIONS, Mr. CRAPO, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. CRUZ, Mr. FLAKE, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. MORAN, Mr. RISCH, Mr. SCOTT, Mr. SHELBY, Mr. ENZI, Mr. COCHRAN, Mr. LEE, Mr. JOHANNES, Mr. ROBERTS, Mr. GRASSLEY, Mr. WICKER, Mr. BOOZMAN, Mr. BURR, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To prohibit the Administrator of the Environmental Protection Agency from issuing any final rule under the Clean Air Act until the date on which the Administrator improves certain employment effect analyses under that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “EPA Employment Im-
3 pact Analysis Act”.

4 **SEC. 2. ANALYSIS OF EMPLOYMENT EFFECTS UNDER THE**
5 **CLEAN AIR ACT.**

6 (a) FINDINGS.—Congress finds that—

7 (1) the Environmental Protection Agency has
8 systematically distorted the true impact of regula-
9 tions promulgated by the Environmental Protection
10 Agency under the Clean Air Act (42 U.S.C. 7401 et
11 seq.) on job creation by using incomplete analyses to
12 assess effects on employment, primarily as a result
13 of the Environmental Protection Agency failing to
14 take into account the cascading effects of a regu-
15 latory change across interconnected industries and
16 markets nationwide;

17 (2) despite the Environmental Protection Agen-
18 cy finding that the impact of certain air pollution
19 regulations will result in net job creation, implemen-
20 tation of the air pollution regulations will actually
21 require billions of dollars in compliance costs, result-
22 ing in reduced business profits and millions of actual
23 job losses;

24 (3)(A) the analysis of the Environmental Pro-
25 tection Agency of the final rule of the Agency enti-
26 tled “National Emission Standards for Hazardous

1 Air Pollutants From Coal- and Oil-Fired Electric
2 Utility Steam Generating Units and Standards of
3 Performance for Fossil-Fuel-Fired Electric Utility,
4 Industrial-Commercial-Institutional, and Small In-
5 dustrial-Commercial-Institutional Steam Generating
6 Units” (77 Fed. Reg. 9304 (Feb. 16, 2012)) esti-
7 mated that implementation of the final rule would
8 result in the creation of 46,000 temporary construc-
9 tion jobs and 8,000 net new permanent jobs; but

10 (B) a private study conducted by NERA Eco-
11 nomic Consulting, using a “whole economy” model,
12 estimated that implementation of the final rule de-
13 scribed in subparagraph (A) would result in a nega-
14 tive impact on the income of workers in an amount
15 equivalent to 180,000 to 215,000 lost jobs in 2015
16 and 50,000 to 85,000 lost jobs each year thereafter;

17 (4)(A) the analysis of the Environmental Pro-
18 tection Agency of the final rule of the Agency enti-
19 tled “Federal Implementation Plans: Interstate
20 Transport of Fine Particulate Matter and Ozone
21 and Correction of SIP Approvals” (76 Fed. Reg.
22 48208 (Aug. 8, 2011)) estimated that implementa-
23 tion of the final rule would result in the creation of
24 700 jobs per year; but

1 (B) a private study conducted by NERA Eco-
2 nomic Consulting estimated that implementation of
3 the final rule described in subparagraph (A) would
4 result in the elimination of a total of 34,000 jobs
5 during the period beginning in calendar year 2013
6 and ending in calendar year 2037;

7 (5)(A) the analysis of the Environmental Pro-
8 tection Agency of the final rules of the Agency enti-
9 tled “National Emission Standards for Hazardous
10 Air Pollutants for Major Sources: Industrial, Com-
11 mercial, and Institutional Boilers and Process Heat-
12 ers” (76 Fed. Reg. 15608 (March 21, 2011)) and
13 “National Emission Standards for Hazardous Air
14 Pollutants for Area Sources: Industrial, Commercial,
15 and Institutional Boilers” (76 Fed. Reg. 15554
16 (March 21, 2011)) estimated that implementation of
17 the final rules would result in the creation of 2,200
18 jobs per year; but

19 (B) a private study conducted by NERA Eco-
20 nomic Consulting estimated that implementation of
21 the final rules described in subparagraph (A) would
22 result in the elimination of 28,000 jobs per year dur-
23 ing the period beginning in calendar year 2013 and
24 ending in calendar year 2037;

1 (6) implementation of certain air pollution rules
2 of the Environmental Protection Agency that have
3 not been reviewed, updated, or finalized as of the
4 date of enactment of this Act, such as regulations on
5 greenhouse gas emissions and the update or review
6 of national ambient air quality standards, are pre-
7 dicted to result in significant and negative employ-
8 ment impacts, but the Agency has not yet fully stud-
9 ied or disclosed the full impacts of existing Agency
10 regulations;

11 (7) in reviewing, developing, or updating any
12 regulations promulgated under the Clean Air Act
13 (42 U.S.C. 7401 et seq.) after the date of enactment
14 of this Act, the Environmental Protection Agency
15 must be required to accurately disclose the adverse
16 impact the existing regulations of the Agency will
17 have on jobs and employment levels across the econ-
18 omy in the United States and disclose those impacts
19 to the American people before issuing a final rule;
20 and

21 (8) although since 1977, section 321(a) of the
22 Clean Air Act (42 U.S.C. 7621(a)) has required the
23 Administrator of the Environmental Protection
24 Agency to “conduct continuing evaluations of poten-
25 tial loss or shifts of employment which may result

1 from the administration or enforcement of the provi-
2 sion of [the Clean Air Act] and applicable implemen-
3 tation plans, including where appropriate, inves-
4 tigating threatened plant closures or reductions in
5 employment allegedly resulting from such adminis-
6 tration or enforcement”, the Environmental Protec-
7 tion Agency has failed to undertake that analysis or
8 conduct a comprehensive study that considers the
9 impact of programs carried out under the Clean Air
10 Act (42 U.S.C. 7401 et seq.) on jobs and changes
11 in employment.

12 (b) PROHIBITION.—The Administrator of the Envi-
13 ronmental Protection Agency shall not propose or finalize
14 any major rule (as defined in section 804 of title 5, United
15 States Code) under the Clean Air Act (42 U.S.C. 7401
16 et seq.) until after the date on which the Administrator—

17 (1) completes an economy-wide analysis cap-
18 turing the costs and cascading effects across indus-
19 try sectors and markets in the United States of the
20 implementation of major rules promulgated under
21 the Clean Air Act (42 U.S.C. 7401 et seq.); and

22 (2) establishes a process to update that analysis
23 not less frequently than semiannually, so as to pro-
24 vide for the continuing evaluation of potential loss or
25 shifts in employment, pursuant to section 321(a) of

1 the Clean Air Act (42 U.S.C. 7621(a)), that may re-
2 sult from the implementation of major rules under
3 the Clean Air Act (42 U.S.C. 7401 et seq.).

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