

Supreme Court limits EPA in curbing emissions

BY MARK SHERMAN
Associated Press

WASHINGTON — In a blow to the fight against climate change, the Supreme Court on Thursday limited how the nation's main anti-air pollution law can be used to reduce carbon dioxide emissions from power plants.

By a 6-3 vote, with conservatives in the majority, the court said that the Clean Air Act does not give the Environmental Protection Agency broad authority to regulate greenhouse gas emissions from power plants that contribute to global warming.

The decision, said environmental advocates and dissenting liberal justices, was a major step in the wrong direction — “a gut punch,” one prominent meteorologist said — at a time of increasing environmental damage attributable to climate change amid dire warnings about the future.

The court's ruling could complicate the administration's plans to combat climate change. Its detailed proposal to regulate power plant emissions is expected by the end of the year. Though the decision was specific to the EPA, it was in line with the conservative majority's skepticism of the power of regulatory agencies and it sent a message on possible future effects beyond climate change and air pollution.

The decision put an exclamation point on a court term in which a conservative majority, bolstered by three appointees of former President Donald Trump, also overturned the nearly 50-year-old nationwide right to abortion, expanded gun rights and issued major religious rights rulings, all over liberal dissents.



Rick Bowmer/AP file

Steam billows from a coal-fired power plant Nov. 18, 2021, in Craig, Colorado. The Supreme Court on Thursday limited how the nation's main anti-air pollution law can be used to reduce carbon dioxide emissions from power plants. By a 6-3 vote, with conservatives in the majority, the court said that the Clean Air Act does not give the Environmental Protection Agency broad authority to regulate greenhouse gas emissions from power plants that contribute to global warming.

President Joe Biden aims to cut the nation's greenhouse gas emissions in half by the end of the decade and to have an emissions-free power sector by 2035. Power plants account for roughly 30% of carbon dioxide output.

“Capping carbon dioxide emissions at a level that will force a nationwide transition away from the use of coal to generate electricity may be a sensible ‘solution to the crisis of the day,’” Chief Justice John Roberts wrote in his opinion for the court.

But Roberts wrote that the Clean Air Act doesn't give EPA the authority to do so and that Congress must speak clearly on this subject.

“A decision of such magnitude and consequence rests with Congress itself, or an agency acting pursuant to a clear delegation from that representative body,” he wrote.

In a dissent, Justice Elena Kagan wrote that the decision strips the EPA of the power Congress gave it to respond to “the most pressing environmental challenge of our time.”

Kagan said the stakes in the case are high. She said, “The Court appoints itself—instead of Congress or the expert agency—the decision-maker on climate policy. I cannot think of many things more frightening.”

Biden, in a statement, called the ruling “another devastating decision that aims to take our country backwards.” He said he would “not relent in using my lawful authorities to protect public health and tackle the climate crisis.”

And EPA head Michael Regan said his agency will move forward with a rule to impose environmental standards on

the energy sector.

West Virginia Attorney General Patrick Morrisey, who led the legal challenge to EPA authority, said the “EPA can no longer sidestep Congress to exercise broad regulatory power that would radically transform the nation's energy grid and force states to fundamentally shift their energy portfolios away from coal-fired generation.”

But University of Georgia meteorology professor Marshall Shepherd, a past president of the American Meteorological Society, said of the decision: “It feels like a gut punch to critical efforts to combat the climate crisis which has the potential to place lives at risk for decades to come.”

Richard Revesz, an environmental expert at the New York University School of

Law, called the decision “a significant setback for environmental protection and public health safeguards.”

But he also said in a statement that EPA still has authority to address greenhouse gas emissions from the power sector.

EPA Administrator Regan said the agency “will move forward with lawfully setting and implementing environmental standards that meet our obligation to protect all people and all communities from environmental harm.”

Senate Democratic leader Chuck Schumer of New York said the consequences of Thursday's decision “will ripple across the entire federal government, from the regulation of food and drugs to our nation's health care system, all of which will put American lives at risk.”

The court held that Congress must speak with specificity when it wants to give an agency authority to regulate on an issue of major national significance.

Several conservative justices have criticized what they see as the unchecked power of federal agencies.

Those concerns were evident in the court's orders throwing out two Biden administration policies aimed at reducing the spread of COVID-19. Last summer, the court's 6-3 conservative majority ended a pause on evictions over unpaid rent. In January, the same six justices blocked a requirement that workers at large employers be vaccinated or test regularly and wear a mask on the job.

Underlying all these issues is a lack of action from Congress, reflecting bitter, partisan disagreements over the role of the federal government.

On the environment, Biden's signature plan to address climate change, a sweeping social and environmental policy bill known as Build Back Better, is all but dead amid united opposition from congressional Republicans and conservative Democratic Sen. Joe Manchin from coal state West Virginia.

Under a trimmed down version, the legislation backed by Democrats would offer tax credits and spending to boost renewable power such as wind and solar and sharply increase the number of electric vehicles.

The justices heard arguments in the case on the same day that a United Nations panel's report warned that the effects of climate change are about to get much worse, likely making the world sicker, hungrier, poorer and more dangerous in the coming years.

The power plant case has a long and complicated history that begins with the Obama administration's Clean Power Plan. That plan would have required states to reduce emissions from the generation of electricity, mainly by shifting away from coal-fired plants.

But that plan never took effect. Acting in a lawsuit filed by West Virginia and others, the Supreme Court blocked it in 2016 by a 5-4 vote, with conservatives in the majority.

With the plan on hold, the legal fight over it continued. But after President Donald Trump took office, the EPA repealed the Obama-era plan. The agency under Trump argued that its authority to reduce carbon emissions was limited, and it devised a new plan that sharply reduced the federal government's role in the issue.

Inflation

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The cost of labor has risen, too. Rogen said she's raised the starting wages by \$2 an hour and offered gas bonuses as an incentive for employees to stick around.

Increasing staff costs have been one of the biggest pressure points for providers across the state, according to Lisa Tynan, program director for the Oregon Child Care Alliance. Tight profit margins mean some providers aren't able to raise wages enough to

attract enough staff to meet state-mandated teacher-to-child ratios.

“It's like the problem just got worse, and it breaks my heart that now there are people who run really great programs who either have to close or literally just have classrooms sitting empty,” Tynan said. “They have like two dozen people on the waitlist, a two year waitlist — yet, they literally have classrooms that the doors are just shut and closed because they cannot find people to staff it.”

Rising staff pay has also been inflation's biggest im-

pact on the Boys & Girls Club of Bend, according to CEO Bess Goggins. Over the last four years, with continued increases in the cost of living, the nonprofit has raised wages about \$6.50 an hour.

“Given inflation, given the cost of living in Bend, and just the importance of the role of our youth development professionals, they deserve every cent of that raise,” Goggins said. “It really makes me think about our compensation expenses and how that impacts our fundraising.”

And for Stephanie Krause,

the owner of Bloom Children's Center in Bend, rising wages have come alongside the rising cost of supplies, like cornstarch for sensory play activities and sunscreen for summertime.

“The challenge is that, as those things increase (in price), I don't get to reduce our use of them,” Krause said. “You have to get them. They're necessities.”

Bloom typically raises program prices each year to keep up with rising costs, and this year was no exception. But this year's increase was around 3%, she said, less than the

8.6% that prices rose across the economy over the last year.

A larger tuition increase would have priced out too many families who make too much to qualify for state subsidy programs but are still trying to make ends meet, Krause said.

“That's significant for a family, and families just can't afford it,” Krause said. “How would that be a solution, to just make what we offer accessible only to those who are the most privileged folks? That's not a solution.”

From a business perspec-

tive, costs rising faster than revenue leave Krause unsure what the future holds. It might mean doing outside work in order to make ends meet for the business, or finding some other solution. But she's determined to make it work.

“I assume that has to be a part of anyone who's in this field, is feeling like ‘I can do this,’ some level of ‘I can do this, I can find a better way and I can keep going,’” Krause said.

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Dean Guernsey/Bulletin file photo

Dispatchers work in February at the Deschutes County 911 Service District in Bend.

911

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Summer is a busy time for 911 dispatchers and the agency continues to recruit new candidates, emergency dispatch director Sara Crosswhite told The Bulletin. The

county will launch a new recruitment effort during the first week of July.

“We're hopeful the wage adjustment will help us attract new candidates that are looking for a career where they truly can make a difference and pursue a long-

term career,” Crosswhite said. “I can't say enough about how hard our employees are working right now, especially with coverage of extra shifts due to staffing shortages as we head into the summer.”

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Fireworks

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The police department will not deploy a fireworks task force as it has in the past, and instead will have seven additional officers for the holiday to respond to a variety of calls.

It was determined that it made more sense to add additional officers who can respond to all calls, fireworks-related or not, so the police department could better triage the various calls that come in, Miller said.

“Independence Day weekend, and July 4 specifically, are our busiest weekend and day of the year in terms of calls for service,” she said in an email.

If fireworks are actively endangering the life of a person or property, residents are asked to call 911. If someone is using fireworks but is not threatening life or property, they can report it to the city to fireworks@bendoregon.gov.

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OBITUARY



Doris Imogene Lilly

February 15, 1933 - June 23, 2022

Doris Imogene Lilly was born to Charles and Ella Ray in Spencer WVA. She had lived in multiple locations before settling in Bend in 1995.

Doris got her degree in Therapeutic Recreation where she specialized in Senior Fitness and was talented in choreographing routines to music.

She leaves behind her husband of 69 years, Luther Lilly, 3 children John Lilly, Karol (Kevin) Delaney, Martha Durrant, 7 grandchildren (David Lilly, Jessica (Brandon) Strecker, Kevin Lilly, Lauren Lilly, Kevin Pawlowski, Rachael Pawlowski, and Jacklynn Durrant and 11 great-grandchildren.

Doris had a wonderful sense of humor and was always cracking jokes and laughing. She loved the ocean, dancing, music, wine lunches, shopping, and her dogs.

She was very loved by her family.

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