

113TH CONGRESS
2D SESSION

S. _____

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

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “EPA Employment Im-

5 pact Analysis Act”.

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

3 (a) FINDINGS.—Congress finds that—

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

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

21 (3)(A) the analysis of the Environmental Pro-
22 tection Agency of the final rule of the Agency enti-
23 tled “National Emission Standards for Hazardous
24 Air Pollutants From Coal- and Oil-Fired Electric
25 Utility Steam Generating Units and Standards of
26 Performance for Fossil-Fuel-Fired Electric Utility,

1 Industrial-Commercial-Institutional, and Small In-
2 dustrial-Commercial-Institutional Steam Generating
3 Units” (77 Fed. Reg. 9304 (Feb. 16, 2012)) esti-
4 mated that implementation of the final rule would
5 result in the creation of 46,000 temporary construc-
6 tion jobs and 8,000 net new permanent jobs; but

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

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

22 (B) a private study conducted by NERA Eco-
23 nomic Consulting estimated that implementation of
24 the final rule described in subparagraph (A) would
25 result in the elimination of a total of 34,000 jobs

1 during the period beginning in calendar year 2013
2 and ending in calendar year 2037;

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

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

21 (6) implementation of certain air pollution rules
22 of the Environmental Protection Agency that have
23 not been reviewed, updated, or finalized as of the
24 date of enactment of this Act, such as regulations on
25 greenhouse gas emissions and the update or review

1 of national ambient air quality standards, are pre-
2 dicted to result in significant and negative employ-
3 ment impacts, but the Agency has not yet fully stud-
4 ied or disclosed the full impacts of existing Agency
5 regulations;

6 (7) in reviewing, developing, or updating any
7 regulations promulgated under the Clean Air Act
8 (42 U.S.C. 7401 et seq.) after the date of enactment
9 of this Act, the Environmental Protection Agency
10 must be required to accurately disclose the adverse
11 impact the existing regulations of the Agency will
12 have on jobs and employment levels across the econ-
13 omy in the United States and disclose those impacts
14 to the American people before issuing a final rule;
15 and

16 (8) although since 1977, section 321(a) of the
17 Clean Air Act (42 U.S.C. 7621(a)) has required the
18 Administrator of the Environmental Protection
19 Agency to “conduct continuing evaluations of poten-
20 tial loss or shifts of employment which may result
21 from the administration or enforcement of the provi-
22 sion of [the Clean Air Act] and applicable implemen-
23 tation plans, including where appropriate, inves-
24 tigating threatened plant closures or reductions in
25 employment allegedly resulting from such adminis-

1 tration or enforcement”, the Environmental Protec-
2 tion Agency has failed to undertake that analysis or
3 conduct a comprehensive study that considers the
4 impact of programs carried out under the Clean Air
5 Act (42 U.S.C. 7401 et seq.) on jobs and changes
6 in employment.

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

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

17 (2) establishes a process to update that analysis
18 not less frequently than semiannually, so as to pro-
19 vide for the continuing evaluation of potential loss or
20 shifts in employment, pursuant to section 321(a) of
21 the Clean Air Act (42 U.S.C. 7621(a)), that may re-
22 sult from the implementation of major rules under
23 the Clean Air Act (42 U.S.C. 7401 et seq.).