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Type Of Program Dictates Best Solution

By [Robert J. Shapiro](#)

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The truth is, a sensible answer to the question of whether a federal climate program should preempt EPA and the states depends on the program. The answer is yes, if climate experts can attest that such a federal program will create an emissions path that fulfills America's part of a global campaign to preserve the climate, whether it's done through a broad carbon-based tax, strict caps and tradable permits, or some combination of the two. If the program meets that test, further EPA or state regulation would be superfluous as well as expensive. But if whatever passes doesn't meet that standard, the proper response is quite different. Most sensible people properly would have opposed, say, an effort to permanently preempt EPA and state regulation as part of the nudges and winks that comprised the Bush administration's climate agenda. Strikingly, while even the Bush EPA and White House didn't propose such a step, demands have been heard recently, mainly from the right and from some others as well, to preempt EPA in the absence of any new federal clima...

The truth is, a sensible answer to the question of whether a federal climate program should preempt EPA and the states depends on the program. The answer is yes, if climate experts can attest that such a federal program will create an emissions path that fulfills America's part of a global campaign to preserve the climate, whether it's done through a broad carbon-based tax, strict caps and tradable permits, or some combination of the two. If the program meets that test, further EPA or state regulation would be superfluous as well as expensive. But if whatever passes doesn't meet that standard, the proper response is quite different. Most sensible people properly would have opposed, say, an effort to permanently preempt EPA and state regulation as part of the nudges and winks that comprised the Bush administration's climate agenda. Strikingly, while even the Bush EPA and White House didn't propose such a step, demands have been heard recently, mainly from the right and from some others as well, to preempt EPA in the absence of any new federal climate program at all. Such a radical step almost certainly would end any serious effort by Congress to address climate change, since the prospect of strict EPA regulation has become a powerful incentive for Congress to enact a serious federal program, which in turn could then properly preempt that regulation.

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