

The Congressional Review Act (CRA) provides a fast-track process for canceling regulations if they hit an ideological nerve or offend a powerful special interest. Congressional Republicans are busily trying use it to cancel environmental regulations. Earlier this month, the target was a regulation encouraging pension managers to consider the impact of climate risks on their investments. Now, Congressional Republicans are rallying to defend dangerous pollution from trucks.

EPA's Clean Truck Plan was [issued](#) in late December. The health benefits are considerable. According to EPA, the rule will [result](#) in \$29 billion in annual net benefits and avoid up to 2900 premature deaths, 6700 fewer hospital admissions and emergency department visits, and 18,000 fewer cases of childhood asthma.

You can't fault the deliberation that went into this rule. The rule and accompanying analysis are lengthy and complex. They take up more than 400 pages of triple-column, fine print in the Federal Register, discussing the rule's health, engineering, and economic aspects in meticulous detail. A separate document, which is at least twice as long, provides detailed responses to all of the comments filed by the industry and others.

Notwithstanding any of this, thirty-two Republican Senators have [filed](#) a resolution to overturn the rule. That's two-thirds of Senate Republicans.

How do they justify their defense of truck pollution? The sponsors say that the rule will raise costs and won't be effective because it will just keep older, dirtier trucks on the road longer. EPA devoted considerable attention to cost issues. Increased equipment costs seem pretty insignificant relative to the cost of new trucks (which can run \$170,000 or more). There's a somewhat higher cost connected with the longer warranty EPA will require.

EPA estimated that the initial effect of higher purchase prices on sales could be nil or around 3%, and might be partially offset because of increased truck operating lives and lower maintenance costs. (88 Fed. Reg. at 4430) Price increases may not have a big effect on sales in part because the cost isn't that significant when spread over the 750,000 miles that a heavy-duty truck engine can last.

Of course, the odds that any of the thirty-two Senators - or even their staffs - actually studied EPA's analysis is somewhere close to zero. Why do all that work when industry lobbyists are eager to tell you the answers?

What makes the threatened use of the Congressional Review Act especially irresponsible is that it could block any future efforts to tighten pollution regulations for heavy trucks. If

Congress cancels a regulation, EPA is not allowed to reissue the rule in “substantially the same form” or issue a “new rule that is substantially the same” as the overturned rule. No one really knows what this language means. So any effort EPA might make, now or in the future, to lower truck pollution could be at legal risk.

Fortunately, this particular effort to use the Congressional Review Act seems to be doomed by a lack of votes in the Senate and the threat of a presidential veto. But it’s clear that, if Republicans only had more votes, few efforts to protect the environment would escape the chopping block.