

Energy Matters

[Rep. Leonard Lance: Climate Defender to Climate Change Denier](#)

Posted: 17 Aug 2014 11:09 PM PDT



By Roger Witherspoon

To environmental activists, their dramatically changing relationship with Congressman Leonard Lance (R-N.J.) is baffling.

“He started out with a 71% rating in 2009,” said Alex Taurel, Deputy Legislative Director of the League of Conservation Voters (<http://bit.ly/1rLqTDS>). “Now it’s 21%. That’s a pretty precipitous 50-point slide backwards.

“When he first came to Congress he was an ally on the environment. He voted for the American Clean Energy and Security Act, a historic bill to create clean energy jobs and cut carbon pollution. That was a very strong, pro-environment vote that he took, and his was one of the top environmental scores among Republicans in 2009. But now he is unfortunately voting as if we do not have a moral obligation to our children and grandchildren to address global climate change.”

Where Taurel is measured in his criticism, Heather Taylor-Miesle, director of the NRDC Action Fund, is emphatically not. “In a state like New Jersey,” she said, “here is a member of Congress who could be out there saying all the right things and be consistent with his traditional voting record.

“He could be a leader. He could make a difference. He went from supporting the kind of legislation to address climate change to voting against its existence. It doesn’t make any sense.”

The change in Lance’s voting record is the reason the Action Fund, the political arm of the Natural Resources Defense Council, chose to name Lance the 7th designated Dirty Denier (<http://bit.ly/VxJUj2>), a small but growing list of congressmen who oppose efforts to clean up the environment and mitigate climate change.

The only thing baffling to the Congressman, however, is the criticism.

“I disagree with the premise that he’s changed,” said Todd Mitchell, Lance’s Chief of Staff. “The Congressman can only vote on what is put before him. It doesn’t surprise me that his voting record was higher in a year that the Democrats controlled Congress.

“Just two weeks ago the Congressman was one of only eight Republicans who voted against a bill that would have gutted the endangered species act.”

What has changed since the GOP took control of the House, said Mitchell, is the emphasis on fostering business development, rather than environmental protection.

“There has been a greater focus on votes to deregulate many of the regulations which many Republicans believe are hurting, not helping our economy,” Mitchell explained. “The Congressman has rightfully focused on measures that focus on environmental protection and job creation.”

Rep. Lance, whose sprawling district runs from parts of Essex County to the Delaware River, has not changed the way he evaluates environmental legislation, said Mitchell. “He asks how does it strike a balance?” explained Mitchell. “How does it affect our economy and job creation and, on balance, affect the environment?”

Yet while Lance supported climate change legislation as a freshman in Congress, Mitchell said the Congressman’s current position is “climate change is occurring and human activity is a contributing factor. But it’s uncertain how much of the warming is attributable to humans and how much is attributable to other factors.”

To his critics, however, the change is Lance's voting record is not so nuanced.



“Lance is a member of Congress we used to work with all the time,” Taylor-Miesle said, wistfully. “He was a super standup guy. He was smart. He wanted to know the facts, and we worked with him all the time...He was part of a coalition of Republicans who worked with different Democrats. They were non-partisan when it came to the environment, from Yellowstone National Park to the Arctic National Wildlife Refuge. He wasn't with us all the time, but he worked with us to make sure there was a lot of common sense in the statutes.

“But he's taken only one good environmental vote in all of 2014, and that was on the endangered species act. He voted against regulating particulate carbon pollution; against the clean-up of toxic mining waste. He voted to allow the foregoing of buffer zones, a requirement that keeps mining debris out of waterways.

“It makes no sense at all. We had 21 votes on the environment that we felt were important enough to rank. He has only taken one that was good for the environment. That's not the Leonard Lance that we knew.”

There were two important environmental votes passed by the House Republicans which most angered environmental groups: the Stop the War on Coal Act of 2012; and the omnibus Regulations from the Executive in Need of Scrutiny (REINS) Act of 2013.

The League of Conservation Voters' scorecard labeled the Coal Act simply a “Broad Environmental Assault.” It would have barred the Secretary of the Interior from issuing any rules protecting streams from mountaintop removal, blocked Interior and EPA from setting

any limits on carbon emissions from power plants, end Clean Air Act protections for smog and mercury pollution, and eliminate the federal minimum standards for water quality.

The LCV's Taurel said "the coal bill had everything. It permitted mountaintop removal. It removes restrictions on toxic laden coal ash. It guts the core of the Clean Water Act. It's just a disgusting bill and Congressman Lance voted for this thing, something that people in New Jersey did not support, to put it mildly."

The REINS act, on the other hand, represents an effort by House Republicans to alter the balance of power between the executive and legislative branches of government. The act would require Congressional approval of all regulations which a total economic impact of more than \$100 million – a figure reached by virtually every national law.

Since the nation's founding, Congress has been empowered to make laws, and the executive branch implements them through regulations. There was a proposed amendment to this act which would have exempted the Nuclear Regulatory Commission, which is considering a slate of safety measures to impose on the nation's nuclear fleet in the wake of the meltdowns three years ago in Fukushima, Japan. Lance opposed that exemption.

Mitchell explained Lance's support of the REINS act as an overdue correction of the balance of power between the branches of government. "It is up to the Congress, not the administration, to put forth the laws," he said. "And it's up to the administration to implement them. It's Congress' view that in this administration they are going above and beyond, and making their own laws.

"Carving out the Nuclear Regulatory Commission is unfair. We are all for reactor safety. The issue is one agency should not be exempt from the overall Congressional umbrella. Congress should have a say in any scientific opinion that has any bearing on legislation and lawmaking."

Nonsense, declared the NRDC's Taylor-Miesle.

"The REINS Act is one of those bills that keep me up at night," said Taylor-Miesle. "This idea that Congress is really the one which should be making regulations completely upsets the balance of power. REINS is probably one of the most radical concepts that has been proposed. It would impose a full government shutdown."

Currently, there is a transparent legal process for developing regulations, which begin with lengthy studies by experts and includes exhaustive comments from stakeholders and the public.

“All that would be replaced under the REINS ACT by Congress,” she said. “There would be a lot of secrecy associated with it – no one in Congress has to tell you what they are doing. It would affect every single regulatory statute. Take regulations from the Consumer Product Safety Commission concerning little children injured from cribs. Where does Congress get off thinking they know anything about cribs? How would they know how far apart the bars should be? The Commission puts out lists of what toys are not safe, or what parts of toys need to be changed so there is less of a choking hazard. How would Congress know to do that?”

“That’s one reason Lance got on the Dirty Denier list. This bill is exactly the kind of bill the old Leonard Lance would never have supported. He could be a real leader here and differentiate himself from the other 435 members of Congress. Instead, he has chosen to cower and hide and kowtow to the Tea Party. We would love to tell the world how great Leonard Lance is. But we also have to tell them when he has faltered.”



NJ 7th Congressional District