



For Immediate Release-

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Administration Officials Recommending Clean Air Act Rollback More Grandfathered Industries Likely as a Result

Polluters getting pardons while breathers get long term air pollution loopholes

As anticipated by environmentalists, federal regulators are now recommending changes to the Clean Air Act, demonstrating that the White House intends to bow to pressure from energy and industry by acting to weaken key provisions of the act and undercut dozens of enforcement actions against polluters. Regulator recommendations follow months of industry lobbying of the Administration for relaxation of key pollution rules. Four EPA hearings on New Source Review "reforms" were held last year and 120,000 citizen comments were submitted urging the strong enforcement of existing laws, rather than reforms that would weaken air quality protections.

"The Administration is giving polluters a huge break. They are giving pardons to polluters who have made illegal modifications to their plants and as a result, the families who live in polluted regions are getting another generation of poisoned air," said Karen Hadden Clean Air Coordinator for the SEED Coalition. "We are already struggling to make the air in Texas safe. Gutting the most important parts of the Clean Air Act so that polluters have an easier time is not going to help."

"No one envisioned that the current Administration would resurrect the industrial 'grandfathering' policy failed in Texas. But when the Bush family moved to Washington, they took this tired old policy with them. Once again the polluters have met secretly with the Administration and it looks like they will get their wish -the right to break their promises without penalties" said Tom "Smitty" Smith, Director of Public Citizen's Texas Office.

When the Administration put forward its energy plan last March, it included two deadly provisions. First, it stated that EPA should consider how to "streamline" a regulatory package called "New Source Review," which requires new plants and older plants that make major modifications to install the most current pollution controls. Second, it stated that the Department of Justice should reconsider whether to proceed with 91 enforcement cases pending against polluters that have violated the New Source Review provision.



Under the Clean Air Act's current New Source Review provision, when new plants are built or old plants are significantly modified, they must update their pollution control equipment. Under the guise of "streamlining," the Bush Administration's proposals will actually gut this crucial clean air provision.

The Administration is expected to formally release the outlines of its proposed reforms during Christmas holiday, although some of the anticipated policies include:

- Allowing plants to make up to \$100 million per year in modifications without installing pollution controls,
- This could potentially allow whole units of coal-burning power plants to be built over the course of several years without having to meet modern standards as long as they were in an 'attainment' area
- Not requiring updated pollution controls unless modifications made at a plant will cause the plant to emit more pollution than it emitted in the dirtiest of its last ten years of operation.

Instead of requiring plants to get cleaner, the Administration's proposal will take the nation backward to dirtier air. "The EPA is supposed to protect our health, but their new proposal fails to do so. Denny Larson, Refinery Reform Campaign Coordinator for the SEED Coalition noted that "All too often poor communities bear the brunt of pollution and suffer the health effects disproportionately. The Administration intends to act against the will of the public, which has been sending a strong message: Don't gut the Clean Air Act."

"The EPA plan to weaken our most basic and essential clean air laws is nothing less than a death sentence for thousands of refinery neighbors who are already sick from tons of daily pollution, said Hilton Kelley of Port Arthur CIDA, Community Inpower Development Association. "The EPA might as well be throwing dirt over us and burying our whole community."

The Administration's plan also threatens pending enforcement actions for violations of the Clean Air Act initiated under the last Administration. "These enforcement actions have confirmed that 91 power plants and refineries across the U.S. have violated the Clean Air Act and 318 plants are still undergoing investigation. Settlements in these enforcement actions would cut pollution by 120,000 tons per year. Under the Administration's proposal it is unlikely that we would see new enforcement actions and even pending enforcement actions may be jeopardized," said Hadden.

"The Clean Air Act "reforms" being recommended by the Administration would guarantee that pollution in Texas will increase," said Katy Hubener, Director of the Blue Skies Alliance, "Texas stands to be severely affected by these changes. New Source Review rollbacks would threaten the hard-won clean air plans (SIPs) for Dallas/Ft. Worth and Houston. If industrial plants are allowed to increase their emissions without the necessary pollution controls, or if some of the refineries that already broke the law are let off the hook, efforts to get these areas to meet federal air quality standards are likely to be derailed."



“Joe Barton, a North Texas Congressman, and

chairman of the powerful House Subcommittee on Energy and Air Quality, will be sponsoring a very weak version of a power plant clean-up bill. Barton has been critical of the New Source Review provision, a cornerstone of the Clean Air Act, and he is considering swapping enforcement of current laws in return for a national cap and trade system. This system if adopted would increase pollution in Texas according to a recent EPA report.”

The health effects of weakening the Clean Air Act would be significant. Pollution from coal-burning power plants charged with violations of the New Source Review currently shortens the lives of between 5,500 and 9,000 people each year. Enforcing existing law and requiring these plants to meet modern pollution standards would avoid 4,300 to 7,000 of these deaths. Each year, pollution from these plants triggers over 100,000 asthma attacks but if the EPA enforced existing law and required these plants to meet modern pollution standards over 80,000 of these asthma attacks would be avoided (Death, Disease, and Dirty Power, www.cleartheair.org).

If the Administration plans do go forward, dozens of known lawbreakers will be pardoned, and tens of thousands of tons of pollution will be exempted from penalties. People need to demand that the Administration enforce existing law and not gut the Clean Air Act. They can send a letter to EPA from the SEED Coalition website at www.seedcoalition.org.

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Further Information:

A New York Time article, Regulators Urge Easing U.S. Rules on Air Pollution, by Katherine Q. Seelye was run today, January 8, 2002 and is available at

www.nytimes.com/2002/01/08/politics/08AIR.html?ex=1011500194&ei=1anden=4c7edc67996f2f6b

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