

Over 120 Grassroots Organizations Oppose H.R.2250/2681 Bills rollback Clean Air Act protections for toxic air emissions

October 5, 2011

Dear Member of Congress,

We, the undersigned, **oppose** efforts by Congress to exempt hundreds of thousands of air pollution sources from the Clean Air Act and to exempt facilities incinerating waste from the current emission limits in the Clean Air Act. H.R. 2250 and H.R. 2681 would outright exempt boilers, process heaters, and industrial waste incinerators from any requirements to reduce, monitor, or report their air pollution. S. 1392 would do the same damage. Such a sweeping exemption is unprecedented in the history of the Clean Air Act.

H.R. 2250/S.1392 would exempt facilities choosing to incinerate plastics, tires, solvents, chemicals and other industrial wastes from the current requirements in the Clean Air Act. Congress was so concerned in 1990 about the hazards of burning waste that it created a special section in the Clean Air Act Amendments of 1990 that requires protective standards for controlling, monitoring, and reporting emissions to be in place whenever waste is burned. These bills would waive those standards for any source that is not considered a major source. The bills would exempt many large polluters – including chemical plants and power plants that burn tires, plastics and other wastes – from any requirement to control, monitor, or report their toxic emissions. Even worse, they would encourage the uncontrolled burning of wastes in smaller sources operating near our homes and schools. For instance, boilers in nursing homes could incinerate tires to create heat. Apartment buildings could incinerate spent solvents. Daycare centers and schools could incinerate plastics to generate electricity and heat. The perverse outcome of these bills would be that industrial waste would flow from facilities which have had to make large investments in their air pollution control technology to reduce their emissions, to small uncontrolled sources which will be virtually unregulated and invisible to the local communities affected by their toxic emissions.

As well, H.R. 2681 would eliminate the pollutant limits that EPA recently created, under the authority of the Clean Air Act, to control the toxic emissions from cement plants. Cement plants are among the worst industrial polluters in America (many burn tires and other wastes, greatly increasing their toxic emissions). Their toxic emissions include arsenic, chromium, lead, mercury, and dioxins, which cause cancer and birth defects and developmental damage in children. EPA's limits on cement plant pollution will reduce cement plants' emissions of all of these toxic pollutants as well as their emissions of fine particulate matter. Fine particle pollution causes thousands of premature deaths annually. By allowing an increase in the amounts of toxic air pollutants and fine particles that cement plants emit, H.R. 2681 would literally kill and sicken thousands of Americans every year. Under the Clean Air Act, all incinerators and all major sources of hazardous air pollutants (such as cement plants, industrial boilers, chemical plants, pulp mills, refineries and the like) are required by the Act to reduce their pollution to levels which are already being achieved by the best performing sources in the industry. The amendments to the Clean Air Act of 1990 were passed by Congress and signed by President Bush only after 20 years of the failure of the original Act to produce any pollution reductions at industrial sources, even the reductions that could be achieved with off-the-shelf control technologies. The Act was not foreseen as a way to force sources into the space age, but only as a way to make the worst polluters clean up at last, by mandating that all sources clean up at least to the level already being achieved by the cleanest similar sources in their industry.

Today, the on-the-ground reality is that, for any given industry class, some individual sources of air pollution within that class are controlled better than others. These individual sources have been forced by local governmental authorities to make investments in pollution control technologies which greatly reduce their toxic emissions, and consequently, the resulting health effects from those toxic releases. The Clean Air Act Amendments of 1990 were designed to (1) level the playing field among all competitors in an industrial class so that all the sources would meet a minimum standard of pollution control that was federally enforceable, and (2) grant badly needed and long overdue pollution relief to communities who were hosting incinerators and large industrial polluters. The intent of the Act was that **all** communities affected by this pollution would benefit from the pollution reductions readily available from the use of off-the-shelf air pollution control technologies.

Just as, at the turn of the 19th century, some residents in America could not own property, today some residents in America have industrial sources of air pollution which are virtually unfettered in their ability to emit vast quantities of hazardous air pollutants into their communities. Just as, at the turn of the 20th century, some residents in America had voting rights and some did not, today some communities in America are protected from the dangers of air pollution by strictly written federal permits which are enforceable by people directly affected by the pollution being emitted ... and some are not.

If H.R. 2250, H.R. 2681, or S. 1392 are passed, they will exempt incinerators and large industrial polluters from the Clean Air Act. They will leave the communities that host these polluters vulnerable to uncontrolled toxic pollution, unable to learn the identity or quantity of toxic chemicals to which they are exposed, and unable to hold polluters accountable. Local first responders will also be left in the dark and unable to fully protect nearby community residents should spills, explosions or other accidents occur at these facilities.

On the other hand, implementing and enforcing pollution limits for incinerators, cement plants, and large industrial polluters will prevent up to 9,000 premature deaths each year from particulate matter. Overall, the economic benefits to the American public from these pollution reductions are worth between \$28.7 and \$72 billion each year. That estimate does not include the positive health impacts or monetary benefits of reducing toxic pollutants emitted by industrial boilers and cement plants – such as mercury, chromium, and lead – even though these chemicals cause cancer, birth defects, developmental damage in infants and children, and other serious health effects. Industry groups claim that incinerating waste is actually an environmental solution, as it will help reduce our dependence on fossil fuels. Efforts to reduce our consumption of fossil fuels can't fill our air with toxic chemicals and be called a solution to anything. Addressing one environmental problem by creating another one is just not sound policy-making. We are asking members of Congress to stand with us and create the health protections our communities desperately need, not undermine those protections. If H.R. 2250 and H.R. 2681 pass facilities seeking to increase their profits can choose to incinerate wastes without pollution controls, but we cannot choose whether or not to breathe. All Americans deserve to live and raise their families in communities where breathing the air will not kill them or damage their health. **All Americans deserve to be protected equally by our nation's laws—including the Clean Air Act.**

Please stand with us and vote NO on H.R. 2250 and H.R. 2681

Sincerely,

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