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Center for Biological Diversity Statement on EPA's Greenhouse Gas "Tailoring Rule"

WASHINGTON— Today U.S. Environmental Protection Agency Administrator Lisa P. Jackson announced a final "tailoring rule" that narrows the scope of Clean Air Act regulation of greenhouse gases under the statute's new source review program. The rule would raise the threshold for permitting requirements from the statute's threshold of 250 tons to 75,000 tons, in the process exempting thousands of pollution sources that collectively account for millions of tons of greenhouse pollution each year.

In response, Kassie Siegel, the Center for Biological Diversity's Climate Law Institute director, issued the following statement: "The EPA should be moving boldly, quickly, and confidently to implement the Clean Air Act's successful pollution-reduction programs for greenhouse gases. We're extremely disappointed with the EPA's slow and tentative timeline for addressing the climate crisis. While everyone agrees that greenhouse reductions for the largest polluters must be prioritized, the EPA can and should move far more quickly to reduce pollution from the other very important sources.

"Rather than rapidly employ the full scope of its authorities under the Clean Air Act to address the climate crisis with the urgency it deserves, with this rule the EPA seems intent on moving as slowly as possible."

Background

The Clean Air Act has protected the air we breathe for 40 years, reaping economic benefits 42 times its cost. According to the EPA, in 2010 the Clean Air Act will save 23,000 lives and prevent 1.7 million asthma attacks, 4.1 million lost work days, and more than 68,000 hospitalizations and emergency-room visits.

The Clean Air Act requires new or modified sources emitting more than 250 tons per year of any pollutant subject to regulation to obtain a permit and demonstrate the use of the "best available control technology" to reduce emissions. Under today's proposal and a previously issued rule known as the "Johnson/Jackson memo," the EPA will attempt to delay all new source review for greenhouse gases until January 2011.

Alleging administrative difficulties in expanding the program to cover greenhouse gases, the EPA under today's rule has dramatically limited the number of pollution sources to be addressed. Between January and July 2011, the EPA will require measures to reduce greenhouse pollution only from new sources that both (1) already need permits for non-greenhouse pollutants and (2) emit more than 75,000 tons per year of greenhouse emissions. After July 1, 2011, the EPA will extend requirements to sources that do not otherwise need permits, but only for new sources emitting more than 100,000 tons per year and increases at existing facilities of more than 75,000 tons per year of greenhouse pollution. The EPA will conduct a second rule-making to consider extending requirements to other important pollution sources, but it has predetermined that pollution reductions will not be required for any sources emitting fewer than 50,000 tons before April 30, 2016.

[Full text of the final rule.](#)

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