



## FACT SHEET ON EPA'S PROPOSED REGULATION OF INDUSTRIAL BOILERS AND PROCESS HEATERS AND INDUSTRIAL WASTE INCINERATORS

### **Overview**

June 4, 2010: The U.S. Environmental Protection Agency proposed emissions standards to control toxic air pollution from industrial boilers and process heaters and industrial waste incinerators. The proposed standards will yield significant health benefits by reducing emissions of hazardous air pollutants like mercury and lead. Nonetheless, lobbyists for big paper companies and other industrial groups are doing their best to kill, weaken, or delay these rules so their clients don't have to invest in pollution control or monitoring equipment and don't have to report their toxic emissions to EPA, state authorities, or the public.

The Clean Air Act requires "Maximum Achievable Control Technology" emissions standards for industrial hazardous air pollutants. Standards must reflect the best performing 12 percent of existing sources, while new source standards must reflect the very best performing similar source. On June 4th EPA issued for public comment a proposed rule to reduce hazardous air pollutants from industrial, commercial and institutional boilers. These boilers emit toxic pollution such as mercury, lead, arsenic, acid gases, and carcinogens like dioxin, formaldehyde and nickel. The rule is expected to be finalized by December 31st. EPA is issuing the rule under the 1990 Clean Air Act Amendments after the Bush EPA's 2004 boilers rule was found unlawful and returned to EPA for correction. The vast majority of *other* industry sectors or equipment have been meeting hazardous air pollution standards for a decade or longer.

**Huge Health Benefits:** EPA projects that the boilers rule when finalized would:

- avoid up to 4,800 premature deaths and 3,000 heart attacks each year, starting in 2013.  
avoid 250,000 days of missed work due to illness each year and reduce by 1.5 million the number of acute respiratory symptoms experienced starting in 2013.
- reduce the brain poisons mercury and lead that harm children's developing brains and damage IQ
- and learning. The rule cuts mercury levels by over 50 percent or 15,000 pounds annually.

**Benefits Significantly Outweigh Costs.** EPA projects the monetized benefits of the rule would yield:

- \$17 billion to \$41 billion dollars *each year*, primarily in avoided death, disease and health costs.  
*This vastly outweighs the estimated \$9.5 billion initial capital costs*
- continuing annual benefits to the American people of \$5 to \$12 for every \$1 in industry compliance costs.

**An Industry-Promoted Loophole is Unjustified.** Some industry lobbyists are pushing an exemption to weaken air toxics standards reflecting emissions reductions by the best performers. This exemption is legally and factually insupportable for the hazardous air pollutants emitted by boilers; these pollutants cause serious harms and do not represent substances for which EPA has established health thresholds below which no harm occurs.

**Concerns with Biomass Proposals.** Industry has raised concerns with the proposed standards for boilers that burn biomass or a combination of biomass and other fuels. There may be valid questions about the adequacy of using carbon monoxide (CO) as a surrogate standard for hazardous air pollutants, and that is something that public comments will address and EPA will consider as it adopts a final rule. EPA's proposed boiler subcategory and emissions standards were patterned on different boiler designs across the universe of industrial boilers, and standards should be set to reflect the best performers without disfavoring or favoring any fuel. Hazardous air pollution is hazardous no matter what fuel mix causes it, so the law rightly requires best performers to set the standards for cleanup.

**Abusing “Variability” to Weaken Emission Standards.** Industry lobbyists are pushing EPA to abuse the notion of boiler operational “variability” as a way to circumvent the requirement for emissions standards based on the best performers. EPA already is considering variability in setting the boiler standards; but EPA may not do so as industry lobbyists are urging to depart from the statutory requirement for Maximum Achievable Control Technology standards.

### **EPA’s Proposed Solid Waste Definition**

Regrettably, the EPA’s loophole for waste incineration and the weakness of its emission standards for boilers and process heaters operating at “non-major” sources for hazardous air pollutants deprive Americans of important health benefits that the Clean Air Act was enacted to provide.

- EPA has made no discernible effort to determine how many of the approximately 185,000 boilers and process heaters operating at “non-major” sources are burning spent solvents, used chemicals, scrap plastics, and other industrial wastes as fuel. However, the administrative record for EPA’s “major” source rule indicates that 40-60 percent of the boilers and process heaters covered by that rule are burning waste. If the same proportion holds true for the population of boilers and process heaters operated at “non-major” sources of hazardous air pollutants, more than 70,000 of these facilities are burning waste
- Even if only 10,000 facilities are allowed to burn industrial and commercial waste without control, monitoring, and reporting requirements, thousands of Americans in communities across the country will suffer from toxic exposure that the Clean Air Act was enacted to prevent. People in these communities will be unable to learn the identity or quantity of the pollution to which they are exposed and unable to hold polluters accountable.

### **Summary Points**

#### *Health*

- Americans deserve stronger hazardous air pollution controls at “non-major” sources.
- Americans need protection from toxic air pollution caused by incinerators.
- Americans will gain huge health benefits from the Boiler MACT rules covering “major” sources. Thousands of lives will be saved and more healthy by reducing hazardous air pollution.

#### *Economics*

- The rule’s monetary health benefits far **exceed** industry compliance costs.
- Very few jobs will be lost from EPA complying with the Clean Air Act. In fact, industry compliance could yield a net job *gain* by transferring dirty jobs into jobs based on pollution reduction.

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