

Oppose S.1392: Gutting the Clean Air Act to Allow More Toxic Air Pollution, More Deaths, More Asthma Attacks

S. 1392 significantly delays and weakens clean-up of toxic air pollution from industrial boilers and incinerators. These facilities are the nation's second largest industrial source of mercury, a dangerous neurotoxin that harms children's developing brains.

The bill does *not* simply delay the standards by 15 months, as some have been falsely reporting. Instead, the legislation fundamentally weakens the Clean Air Act *and* delays current compliance deadlines for industry by *a minimum of 3.5 years* resulting in:

- **Up to 28,350 premature deaths;**
- Over 17,000 heart attacks;
- Nearly 19,000 hospital and emergency room visits;
- More than 1.2 million days of missed work; and
- Over 150,000 cases of asthma attacks.

EPA recently re-proposed toxic standards for industrial boilers and incinerators. These proposed standards are the product of EPA's reconsideration of standards first finalized in March, 2011. EPA listened to industry concerns about the rule and as a result, the reproposal provides more health benefits, more flexibility, and lower industry implementation costs. The agency is currently taking comments on these repropoed standards, and expects to finalize them by late spring in 2012. The agency has *never said* that it needs new legislation to provide more time to finish these standards and EPA opposes the delays and weakening changes in S.1392. For these reasons, the president has issued a veto threat over the near-identical House bill, H.R. 2250.

Instead of allowing EPA to continue to do its job, S. 1392 allows for *indefinite delay* of protections that are already decades late. The bill voids existing standards for incinerators and boilers while eliminating any deadline to issue new standards. The language of the bill would allow final standards to be issued 5, 10 or even 20 years from now, and eliminates any industry compliance deadlines. For each year of delay, thousands of people will die.

Further, S. 1392 would permanently weaken the Clean Air Act so that standards for these facilities are no longer based on what the best facilities are achieving, but instead on the weakest possible standards under the law. The bill would overturn the Clean Air Act and multiple court decisions and mandate that the agency set standards based on the emissions of the dirtiest sources, rather than the cleanest – meaning *even more* toxic air pollution from facilities that burn materials such as coal, oil, plastics, scrap tire, and coal ash.

Finally, the President and CEO of the American Boiler Manufacturers Association, in response to EPA's re-proposal, stated "the American Boiler Manufacturers Association urges 'no action' on S. 1392 nor any additional action on H. R. 2250. Needless, arbitrary delay in resolution of these rules does not serve the best interests of either those who are being regulated or those who provide goods and services to those regulated. Delay means only additional uncertainty in the market place. Progress is being made through the regular order; we would urge you to let the rulemaking process go forward without Congressional intrusion."