



## **Oppose the Dirty Air Act**

### ***Measures Attack Clean Air Act, Set America Back on Oil Dependence***

Six measures have been introduced in the House to block President Obama from enforcing the Clean Air Act to fight global warming. These measures, each referred to as the Dirty Air Act, strike at the heart of the Clean Air Act, a law with a nearly 40-year track record of cost-effectively cutting dangerous pollution to protect Americans' health and the environment and of spurring technological innovation. These attacks on the Clean Air Act – opposed by former Republican EPA Administrator Russell Train, the American Lung Association, the auto industry, the Conference of Mayors, NAACP, all major national environmental organizations, and many others – would undermine long-overdue action to hold the biggest polluters accountable, reduce America's oil dependence, and jump-start a vibrant clean energy economy. **We strongly urge you to oppose the Dirty Air Act.**

#### *The Dirty Air Act*

One resolution and three bills have been introduced to stop President Obama from enforcing the Clean Air Act to fight global warming. The four measures include the following:

- Three identical "resolutions of disapproval," under the Congressional Review Act, would overturn the Environmental Protection Agency's scientific finding that global warming pollutants threaten human health and the environment, and would prohibit use of the Clean Air Act to protect us from that pollution. The separate, though identical, resolutions have been introduced by (1) Rep. Joe Barton (R-TX); (2) Reps. Skelton (D-MO), Collin Peterson (D-MN), and Jo Ann Emerson (R-MO); and (3) Reps. Jerry Moran (R-KS) and Marsha Blackburn (R-TN) (*H.J.Res. 77, 76, and 66, respectively; companion to S.J.Res 26, Sen. Lisa Murkowski (R-AK)*)
- A bill introduced by Rep. Marsha Blackburn (R-TN) would reverse the Supreme Court's landmark 2007 global warming decision by declaring that carbon dioxide and other global warming pollutants are not air pollutants under the Clean Air Act. (*H.R. 391*)

- A bill introduced by Rep. Earl Pomeroy (D-ND) is identical to Rep. Blackburn's H.R. 391, except that it does not include "water vapor" as one of the "air pollutants" exempted from the Clean Air Act. (*H.R. 4396*)
- A bill introduced by Reps. Ike Skelton (D-MO), Collin Peterson (D-MN), and Jo Ann Emerson (R-MO) also is identical to Rep. Blackburn's H.R. 391, except that it does not include "water vapor" as one of the "air pollutants" exempted from the Clean Air Act. In addition, it also would block Clean Air Act rules from incorporating the best science on the carbon footprint of biofuels and eliminate all natural resource and wildlife protections for biomass feedstocks – even allowing the nation's last remaining old-growth forests to be used for biofuels. (*H.R. 4572*)

In the Senate, Senator Lisa Murkowski's (R-AK) is leading the campaign to gut the Clean Air Act. Following failed efforts last fall and in January 2010 to weaken the law, Senator Murkowski introduced a Congressional Review Act resolution (S.J.Res.26) to overturn EPA's scientific finding that global warming pollutants threaten human health and the environment, thereby blocking President Obama's landmark clean cars rule and all other actions to enforce the Clean Air Act to fight global warming. (As noted above, this is the companion to the House resolutions.)

The Congressional Review Act is a little-used law – passed as part of then-Speaker Gingrich's Contract with America – that allows Congress to effectively veto agency actions using expedited procedures. If the Senate and House pass the resolution by a simple majority vote and the President signs it, EPA also would be prohibited from issuing a "substantially similar" rule without new express authority from Congress.

Two prominent industry lobbyists and senior Bush EPA officials, Jeffrey Holmstead and Roger Martella, have been closely tied to Senator Murkowski's effort. Holmstead, a coal and electric utility industry lobbyist, [admitted to the Washington Post](#) that he worked on the "exact phrasing" of Murkowski's original amendment on the issue in the fall of 2009. Senator Murkowski is the [#1 recipient](#) in Congress of money from electric utilities and the [#4 recipient](#) of money from Big Oil so far this campaign cycle. Citizens for Responsibility and Ethics in Washington has [raised ethical questions](#) about the extraordinary access that Senator Murkowski granted to top campaign contributors in the drafting of her amendment.

#### *The Clean Air Act Is Proven to Work*

Since 1990, when President George Bush, Sr. signed the 1990 Clean Air Act Amendments into law with overwhelming bipartisan support, emissions of six common air pollutants have declined by 41 percent, while gross domestic

product has grown by 64 percent, according to EPA. The law has successfully phased lead out of gasoline, improved air quality in cities across the country, protected the ozone layer, and greatly reduced acid rain, among many other accomplishments. For instance, according to EPA, lead levels in the ambient air have dropped by 91 percent since 1980, greatly reducing the number of children with IQs below 70 as a result of lead exposure. Even the [previous White House found](#) that the benefits of Clean Air Act programs from 1997-2007 outweighed the costs by a range of 3 to 1 to as much as 22 to 1.

In 2007, the Supreme Court, in [Massachusetts vs. EPA](#), ruled that the Clean Air Act covers global warming pollutants, and that EPA must determine if the science warrants an “endangerment finding” – a formal ruling that a pollutant threatens human health and/or the environment. The endangerment finding then legally obligates the agency to act to reduce the threat by limiting the pollution from certain sources. In December 2009, after an exhaustive review of the peer-reviewed science on global warming that spanned two administrations, [EPA found](#) that carbon dioxide and other global warming pollutants threaten human health and the environment.

Meanwhile, starting early in his administration, President Obama began to lay the groundwork to enforce the Clean Air Act to fight global warming. Last spring, he [announced landmark standards](#) – supported by the major auto companies, auto workers, states, and environmentalists – to reduce global warming pollution from new cars and light trucks. These standards will cut America’s oil dependence and create new jobs making more efficient and competitive vehicles. The clean cars rule alone would cut global warming pollution by 950 million metric tons and save 1.8 billion barrels of oil over the lifetime of vehicles sold from 2012 through 2016. EPA proposed its clean cars rule this fall and is expected to finalize it by March 2010.

In addition, last fall, the Obama [EPA proposed the Big Polluters Rule \(also known as the “Tailoring Rule”\)](#) to implement the Clean Air Act’s permitting requirements for stationary sources. EPA’s proposal covers only very large polluters – those that emit more than 25,000 tons of carbon dioxide a year, which is equivalent to the annual energy usage of 23,000 homes, 4,600 passenger vehicles, or 131 railcars worth of coal, [according to EPA](#). These big polluters have long been subject to the same rules for other pollutants. More than 400,000 Americans wrote to EPA during the public comment period on the proposal supporting EPA’s action to hold the biggest polluters accountable, making it one of the largest outpourings of public support in EPA’s history.

The Big Polluters proposal, which EPA also is expected to finalize in March 2010, will require coal-fired utilities (the nation’s largest source of global warming pollution), oil companies, and other big smokestack industries to

innovate to meet modern standards for global warming pollution when they build new facilities or upgrade existing facilities in ways that increase pollution. A facility could meet such a standard, which is determined on a plant-by-plant basis taking into account economic and other factors, by improving energy efficiency, co-firing with cleaner fuels, or switching to cleaner fuels. America's largest polluters have fought for years to get out from under these requirements for other pollutants, as well as for carbon dioxide.

*Broad Opposition to Dirty Air Act from Public Officials, Health and Environmental Experts*

According to [the Washington Post](#), former EPA Administrator Russell Train – who headed EPA under both Presidents Nixon and Ford – called efforts to block the Clean Air Act to fight global warming “outrageous,” saying that “EPA should not be interfered [with] in its capacity to move ahead on this issue [global warming].”

The auto industry opposed Senator Murkowski's fall 2009 amendment on the issue, which would have been more limited in its impact. If Congress blocks the federal clean cars program, which the auto industry supports, California and at least 13 states would almost certainly enforce their own state clean cars program.

All Democratic members of the Senate Environment and Public Works Committee, including moderate Senators Max Baucus (MT) and Arlen Specter (PA) signed a [letter](#) last month opposing Senator Murkowski's resolution “and similar amendments.”

The Dirty Air Act also is opposed by both Democratic and Republican governors, heads of many state environmental agencies, the American Lung Association and American Academy of Pediatrics, Conference of Mayors, NAACP, all major national environmental organizations, and many others.

**Oppose these attacks on the Clean Air Act that would undermine long-overdue action to hold the biggest polluters accountable, reduce America's oil dependence, and jump-start a vibrant clean energy economy.**

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