

PERMANENT DAMAGE:

EFFORTS TO GUT INCINERATOR AND BOILER HEALTH PROTECTIONS WILL CAUSE DEATH, LASTING HARM



On July 20, 2011, Sens. Susan Collins (R-ME), Ron Wyden (D-OR), Lamar Alexander (R-TN), Mary Landrieu (D-LA), Pat Toomey (R-PA) and Mark Pryor (D-AR) introduced a bill (S. 1392) that would give industries a free pass to secretly burn a range of dangerous wastes, including treated wood, plastics and scrap tires, in facilities that do not have to control, monitor or report their toxic emissions. The bill would also cause many thousands of premature, preventable deaths by delaying industrial boiler health standards for at least 3 years.

S. 1392 WILL KILL THOUSANDS OF AMERICANS EVERY YEAR AND PERMANENTLY DAMAGE THE CLEAN AIR ACT, WHICH HAS PROTECTED PUBLIC HEALTH FOR DECADES. S. 1392 SHOULD BE OPPOSED FOR THREE MAJOR REASONS:

- 1)** It will increase toxic air pollution by permanently exempting industrial waste incinerators from Clean Air Act protections, allowing many industrial facilities to secretly burn wastes without controlling, monitoring or reporting their toxic pollution. The bill specifically exempts plants that burn a long list of materials that are highly dangerous when burned, including turpentine, treated wood products, plastics, scrap tires and spent chemicals and solvents.
- 2)** It will cause the premature deaths of between 7,500 and 19,500 people, and quite probably, many thousands more.
- 3)** It will make permanent the excessive pollution from industrial boilers by forcing the EPA to issue weak standards that allow even the worst polluters to evade control requirements.

PERMANENT EXEMPTION FROM THE CLEAN AIR ACT FOR DANGEROUS WASTE BURNING

Under the Clean Air Act, any facility that burns waste must meet protective emission standards and report its emissions to the public. Congress made clear that these protections are necessary to safeguard people from the harmful air emissions that waste burning generates, and a federal Court of Appeals has already found that exempting waste burning facilities from these important protections is blatantly illegal. The Collins bill, however, would overturn

the Clean Air Act by making it legal for industry to burn the numerous materials listed in the bill without controlling, monitoring or reporting the pollution that results. The bill also sets up a process by which additional materials can be added to the exemption list.

Of course, it is far cheaper to burn waste in facilities that do not have to control or monitor their pollution. And polluters likely don't want requirements forcing them to tell their neighbors about the toxic substances they are generating. That is why lobbyists for polluting industries have long pressured the government for Clean Air Act exemptions that allow industrial facilities to burn their waste in secret and without control requirements.

S. 1392 would give the worst polluters exactly what they have been seeking for decades: a free pass to burn specific industrial wastes without controlling, monitoring, or reporting the pollution that results. This will strongly encourage industry to burn its waste in facilities that simply are not safe, turning sensible and responsible waste disposal requirements on their head. While industry gets what it wants, the American public will get more premature death, more respiratory illness and higher medical bills.

THOUSANDS OF PREMATURE DEATHS AND WIDESPREAD ADVERSE HEALTH IMPACTS

Following a court order, the EPA proposed health standards for incinerators and industrial boilers in February 2011, more than 20 years after the original requirement became law. The standards proposed by the EPA will save between 2,500 and 6,500 lives every year. Unfortunately, those lives



will be lost every year that these health protections are withheld from the American public.

S. 1392 allows premature death in two ways. It would prevent the EPA from finalizing those standards for 15 months, and add at least two years to the compliance deadline; moving it from three to a minimum of five years. That means that no facility will be required to adopt these standards for at least six years, at the earliest. As a result, the proposed legislation would delay these important health protections for at least 3 years past when they should take effect, leading to the deaths of between 7,500 and 19,500 people.

But even this unacceptable outcome is a best-case scenario. The language of the Collins bill leaves the EPA open to set the compliance date at any point after 5 years from the date it issues a final health standard. That means it could be 5 years, 10 years, 20 years or more. With each additional year of delayed compliance, thousands of people will die. These deaths can be avoided if the EPA follows the Clean Air Act and the ruling of a federal court. Congress should not legislate these lives away.

LOWEST COMMON DENOMINATOR STANDARDS: GIVING THE WORST POLLUTERS A PASS FOR YEARS TO COME

In addition to carving out loopholes for industry and permitting premature death, S. 1392 undercuts Clean Air Act protections from the dirtiest industries. Rather than have the EPA set health standards based on the emissions of the cleanest facilities in the country—as the Clean Air Act specifies and courts have repeatedly upheld—the legislation would direct the agency to set its health standards based on the emissions of the dirtiest sources.

This approach to pollution control reflects politics at its worst. It reverses a common-sense approach that has been a keystone of Clean Air Act protection for decades: clean industrial facilities are the model for dirty ones, not the other way around. If a facility can operate without spreading sickness and death to the local community, that should be encouraged, not undercut.

VOTE NO ON S. 1392 AND OPPOSE ALL OTHER EFFORTS TO PERMIT PREMATURE DEATH AND INDUSTRIAL WASTE BURNING.



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