

A Realistic Deadline for Clean Air

List of Overdue Actions Can Get Job Done Here in 10 Years

By HENRY A. WAXMAN

Twenty-five years is too long to wait for clean air in Los Angeles. Yet this is the time frame that the Environmental Protection Agency is suggesting for compliance with the Clean Air Act's health protection standards for the two most troublesome components of urban smog, ozone and carbon monoxide.

The Clean Air Act has a deadline of Dec. 31, 1987, for attainment of these standards. With one of the worst air pollution problems in the country, it is clear that Los Angeles, like many other cities, will still be far above the standard at year's end. The new EPA policy is a poorly conceived effort to create a new deadline. But the deadline favored by EPA would be nearly meaningless.

Of course, we must have a deadline that is realistic, but we must also do all that we can to bring more healthful air quality to the millions of Southern Californians now breathing polluted air. Moving the deadline back to the year 2010 or later is not the way to ensure rapid progress. Such a lengthy extension reflects a "we can't do it" attitude that is likely to become a self-fulfilling prophecy. It will undermine the efforts of state and local agencies seeking to put tough pollution controls in place. It will make it difficult to get polluters to make sacrifices now for the sake of meeting a deadline that is a full quarter of a century away.

We can do much better. EPA's 25-year time frame reflects the agency's continuing failure to exercise federal leadership in air pollution control. For example, the California Energy Commission concluded in 1986 that, with use of lower-polluting motor-vehicle fuels like methanol, the Los Angeles area could be within striking distance of the health-protection standard in a decade. Yet the new EPA policy includes no federal

program to promote or require greater use of alternate fuels.

EPA has also declined to take a variety of other steps recommended by state and local pollution-control officials, including guidelines to help states regulate air pollution from industrial sources, requirements for upgraded automobile inspection and maintenance, and tighter tailpipe standards for cars, trucks and buses. (Although California sets its own auto emissions standards, federal standards are important here because fully half of the trucks in the Los Angeles area, and roughly 10% of the cars, come from out of state.)

A final point about the agency's new policy: It is almost certain to be overturned in court. The agency simply does not have the legal authority to change on its own a deadline set by Congress. If there were doubts on this point, they should be laid to rest by a recent decision by the U.S. 9th Circuit Court of Appeals in a clean-air suit brought by a Los Angeles environmentalist. In that case, *Abramowitz vs. EPA*, the court ruled that "EPA does not have the discretion to ignore the (Clean Air Act's) statutory deadline."

It is in Congress that the deadline issue must ultimately be resolved. My approach for reauthorizing the Clean Air Act is embodied in a bill I introduced with Rep. Jerry Lewis (R-Highland). This bill was developed with the help and support of the national associations of state and local air-pollution officials.

The bill would extend the deadlines for areas across the country for 3, 5 or 10 years, depending on the severity of the problems in each area, and to impose pollution-control requirements to ensure that the new deadlines can be met. Areas with more severe problems would be required to undertake more rigorous control programs, while areas with more moderate problems would have to do less. In addition, a long

list of federal control measures, a component glaringly absent in the new EPA policy, would be required to help the states meet their deadlines.

Such legislation would give Los Angeles 10 years, not 25, to achieve the standards. The pollution-control measures that it would require to help Los Angeles and other cities with severe air pollution problems include: extensive programs to promote the widespread use of lower-polluting alternative motor-vehicle fuels, long overdue federal guidelines for control of industrial air pollution, tighter tailpipe standards for cars, trucks and buses, reduced pollution from consumer solvents, control of gasoline vapors on the car and at the pump, and tougher control of new pollution sources.

The battle in Congress for clean air is still in its early stages. The new EPA policy is the latest salvo in this battle, suggesting that we need more time and less pollution control, and that strong clean-air bills will result in overcontrol. But the fact is that many areas—including Southern California—are not doing nearly all that they can to limit pollution. For example, many new pollution sources are built without any emissions review or stringent controls.

Dirty air is bad for our health, bad for our economy and bad for our environment. More than 76 million Americans in 60 urban areas are now living in air that the EPA considers unhealthy. We need a deadline extension. But not one that will make pollution control a low priority for the next two decades. We need a much closer deadline, accompanied by tough new control requirements on the federal level. We can, and must, do better than EPA's 25 years.

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