

President undermining goals of Clean Air Act

By HENRY A. WAXMAN

The Clean Air Act of 1990 has the potential to achieve environmental goals that Americans have wanted for years: the elimination of urban smog, reductions in toxic emissions and acid rain, the protection of the stratospheric ozone layer.

Yet less than a year and a half after enactment, the hopeful promise of the act is in grave jeopardy. The White House has seized control of the act's implementation and is carving out illegal loopholes for the nation's biggest polluters.

When Congress passed the new Clean Air Act on Oct. 27, 1990, President Bush had a choice: He could sign the bill into law or he could veto it. On Nov. 15, 1990, the president chose the former course, embracing what he called "the most significant air-pollution legislation in our nation's history." Under the Constitution, the president must now "faithfully execute" the act.

The opposite is happening. The new Clean Air Act — which took nearly a decade of public pressure to enact — is under assault by the president and his aides.

A strategy of delay

One White House strategy is simply to delay indefinitely important rules mandated by the 1990 act. When the president signed the clean-air law, he praised the bill's "reasonable deadlines." But so far the administration has already missed 35 statutory deadlines for action. It has failed to issue rules to regulate many of the nation's worst polluters — including municipal incinerators, power plants, offshore oil platforms, chemical plants and motor vehicles.

In many of these cases, the Environmental Protection Agency has completed its work on the clean air rules. EPA Administrator William Reilly sent a rule to regulate cold-temperature emissions of carbon monoxide from motor vehicles to the White House seven months ago. These emissions pollute the air breathed by millions of people each winter. But the White House refuses to allow EPA to promulgate the standards.

A similar delay plagues the rules to protect the stratospheric ozone layer. Recent monitoring reveals dangerous erosion of the ozone shield over the northern hemisphere. Despite the potentially catastrophic health and environmental consequences, however, the White House continues to hold up EPA regulations, mandated by the 1990 act, to ban the emission of ozone-depleting chlorofluorocarbons (CFCs).

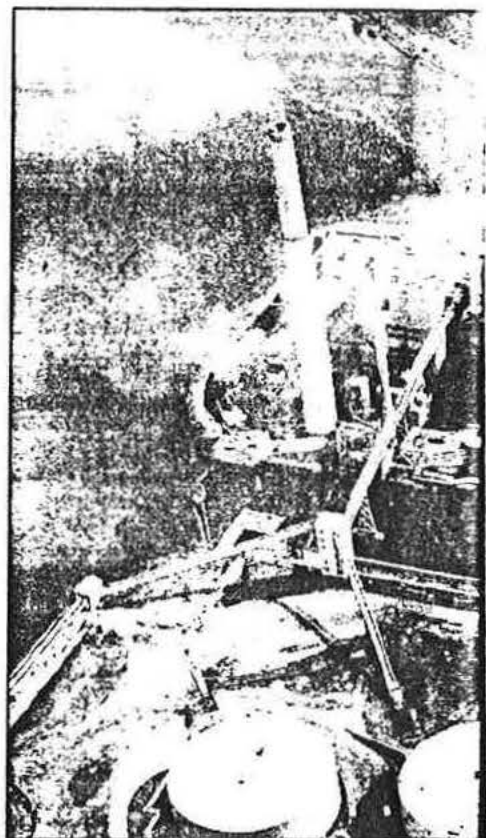
President acting illegally

In other instances, the White House takes blatantly illegal actions to benefit favored constituencies. In the 1990 Act, Congress resolved a long-running dispute between car manufacturers and service stations over the best way to control the toxic

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Rep. Henry A. Waxman, D-Calif., was one of the primary authors of the Clean Air Act of 1990, which sets out a comprehensive program to combat smog, acid rain, toxic air emissions and ozone depletion. He also won passage of the Safe Drinking Water Act of 1986. As chairman of the House Energy and Commerce Committee's Subcommittee on Health and the Environment, Waxman bears major responsibility for programs involving the health of Americans and the care of the aged, disabled and poor.



■ Power plants in the Northeast will be Act rules than the older fossil-fuel-burned the Connecticut Light & Power generation

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and smog-forming emissions released during vehicle refueling.

Title II of the act provides that EPA "shall" require carmakers to install on-board canisters to capture the refueling emissions. It provides that these canisters "shall" eliminate 95 percent of the emissions, and it sets out a specific statutory schedule for phasing in the new requirements. But despite the express statutory mandates, the president said last month that carmakers would be exempted from the requirement to control refueling emissions.

The president's stated rationale is concern about the safety of onboard canisters. But this is a red herring. Onboard canisters are easily a larger version of canisters already in widespread use. The independent Center for Auto Safety says that onboard canisters would pose only a "minimal safety risk," which "could be easily handled by improved technology." The true motivation is political, which is why the president announced his decision at a campaign stop in Michigan just before the state's presidential primary.

As a consequence of the president's decision, the public will suffer needless exposure to cancer-causing fumes, and many small businesses will be hurt. States will be forced to require service stations in polluted cities to install vapor-recovery systems on their pumps, at a cost of about \$20,000 per station.

Connecticut residents will be particularly victimized by another White House action — its intervention to relax controls on power plants. As recent reports by the Environmental Protection Agency and the National Academy of Sciences confirm, controlling nitrogen oxide (NOx) emissions is the key to reducing the blanket of ozone smog that covers the

Northeast during the summer.

Massive quantities of these emissions come from the nation's fossil fuel-burning power plants. Nevertheless, the White House is forcing EPA to issue regulations that loosen NOx controls on power plants, with the result that it may be impossible for the Northeast to attain the federal ozone standard. In written notes obtained by the Health and the Environment Subcommittee, EPA lawyers called the legal support for the White House action "hogwash" and "mostly garbage."

Quayle's group attacking

The most sustained White House attack on the Clean Air Act comes from the Council on Competitiveness, which is chaired by Vice President Dan Quayle. The council meets in secret with powerful industrial lobbyists to set a deregulatory agenda at odds with the mandates of the Clean Air Act. The council's top target is an EPA proposal, mandated by the act, to require more than 30,000 major polluters to obtain air-pollution permits.

Last spring, industry lobbyists with close White House connections objected vehemently to EPA's permit proposal. When EPA, correctly rejected industry's demands, the Competitiveness Council stepped in and overturned EPA, making over 200 weakening changes sought by industry.

The council's disregard of the law was egregious, so much so that EPA's chief lawyer took the unprecedented step of publicly declaring the action "highly unlikely" to survive judicial scrutiny. Now a revised EPA proposal which was due last November is again stuck at the White House.

The president cites the 1990 Clean Air Act as his greatest environmental accomplishment. But his actions contradict his rhetoric. In fact, the president and his top aides are undermining the very act they claim to support.