

Clean Air Act: A New Approach to Regulating Greenhouse Gas Emissions

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With the demise of cap-and-trade legislation in the 2010 session of Congress, the climate action spotlight shifted to the Environmental Protection Agency (EPA) and the Clean Air Act (CAA). But opponents work steadily to block EPA regulation of greenhouse gas (GHG) emissions.

Clean Air Act of 1970

In the aftermath of the first Earth Day in April 1970, Congress passed the Clean Air Act and created the EPA to implement the new law. Over the 40 years that the CAA has been in effect, it has yielded dramatic public health and environmental benefits.

CAA programs have achieved major reductions in dangerous air pollutants that cause smog, acid rain, and lead poisoning. The EPA reports that this has prevented hundreds of thousands of premature deaths, has helped millions avoid developing respiratory ailments and heart disease, and (by banning leaded gasoline) has greatly reduced the incidence of low child IQ.

The benefits of these advances have far exceeded the costs of compliance. An EPA analysis of the CAA's first 20 years found that the dollar value of the human health and environmental benefits amounted to more than 40 times the costs of regulation. For the 1990-2010 period, as requirements have become more stringent, the EPA estimates a benefit-to-cost ratio of four to one.

At the same time, CAA programs spurred significant growth in the U.S. environmental technologies industry. By 2007, the industry was generating \$282 billion in revenues, producing \$40 billion in exports, and supporting 1.6 million jobs. Innovations include catalytic converters, scrubbers, and low-VOC paints and consumer products.

U.S. Supreme Court Ruling

Despite these achievements, concerns about global warming pollution led Massachusetts and 11 other states to sue the EPA over its failure to regulate GHG emissions from the transportation sector. They charged that human-influenced global climate change was causing adverse effects, such as sea-level rise, to the state of Massachusetts.

In a 5-4 decision in April 2007, the U.S. Supreme Court ruled that carbon dioxide and other GHGs meet the definition of "air pollutants" under the CAA. The Court directed the EPA to determine whether or not GHG emissions from new motor vehicles (the sector cited in the lawsuit) cause or contribute to air pollution that may endanger the public health or welfare.

In 2009, the EPA responded by conducting an extensive examination of the scientific evidence and in December 2009 made a determination — the "endangerment finding" — that GHG concentrations in the atmosphere do threaten the public health and welfare of current and future generations. The EPA also found that GHG emissions from new motor vehicles contribute to the atmospheric concentration of these gases and thus to the threat from climate change.

Once the EPA had issued its endangerment finding, the agency moved ahead to finalize proposed GHG emissions standards for light-duty motor vehicles.

The Clean Cars Rule

The EPA partnered with the Department of Transportation (DOT) to set increasingly stringent standards for GHG emissions and fuel efficiency for passenger cars and light-duty trucks, beginning with model years 2012-2016.

These federal rules mirrored California's Clean Car Standards and set a target of 35.5 miles per gallon (mpg) for 2016 model-year vehicles. The auto industry welcomed the uniform national standards.

The EPA and DOT then went on to finalize emissions and fuel efficiency standards for heavy-duty trucks and buses, beginning in the 2014 model year.

More recently, in August 2012, the EPA and DOT finalized rules to further reduce GHG emissions and improve fuel economy for light-duty vehicles for model years 2017-2025. These standards are projected to result in a fleet-wide average fuel economy of 54.5 mpg by 2025 and will save consumers up to \$8,000 in fuel expenses over the life of a 2015 vehicle compared to a 2010 vehicle.

The two sets of standards will cut 6 billion metric tons of GHG emissions over the lifetime of 2012-2025 vehicles.

Stationary Source Regulations

The EPA is also phasing in regulations for major stationary sources of GHG emissions (e.g., power plants, industrial facilities). As of January 2, 2011, rules requiring *new or substantially modified* facilities to obtain permits that address their GHG emissions have begun to take effect. These facilities must make use of "best available control technologies" to minimize GHG emissions.

The EPA has taken steps to ensure that the new rules do not affect small stationary sources, such as small businesses and farms, schools, or churches. CAA permitting requirements apply to facilities that emit more than 100-250 tons/year of a regulated pollutant such as lead, sulfur dioxide, and

nitrogen dioxide. But GHGs are emitted in much higher volumes than these pollutants.

The EPA, therefore, issued a "tailoring rule" that raises the threshold for GHG emissions so that only the largest sources would be subject to the permitting requirements. The thresholds for GHG emissions are 75,000-100,000 tons/year.

In September 2013, the EPA proposed a rule that would cap carbon emissions from *new* natural gas-fired turbines and new coal-fired units. This would effectively prohibit construction of conventional coal-fired plants as their emissions typically exceed the proposed new standard. The EPA is expected to finalize the rules within a year.

The EPA also intends to establish guidelines for states to use to reduce carbon pollution from *existing power plants*. These standards are expected to be less stringent than those proposed for new power plants. EPA plans to propose the new standards by June 2014.

Challenges to EPA Regulations

Opponents of the new rules work steadily to block or delay EPA regulation of GHG emissions. In Congress, bills have been introduced that would, for example, amend the CAA to exclude regulation of GHGs, limit the use of EPA funds, and delay implementation of EPA regulations.

The League of Women Voters strongly opposes efforts such as these to undermine the EPA's ability to establish the urgently needed clean air protections called for by the CAA. It's time for action -- time to reduce dangerous global warming pollution and safeguard "the public health and welfare of current and future generations."

For more details, see the *Clean Air Defense* section of the LWVUS Toolkit for Climate Action (www.lwv.org/climatechangetoolkit).