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FACT SHEET

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H.R. 2401, TRAIN Act ***Another House GOP Assault on Clean Air Act – Blocking Two of the Most Important, Life-Saving Clean Air Rules in Decades***

On Thursday, the House will begin consideration of H.R. 2401, the so-called TRAIN (Transparency in Regulatory Analysis of Impacts on the Nation Act) Act. This bill started out simply requiring an unnecessary, duplicative, and biased study of specified air quality and hazardous waste regulations, which would analyze only their costs and not their benefits. However, the bill was fundamentally changed in committee when an amendment was adopted to block and indefinitely delay two of the most important, life-saving Clean Air rules in decades – the Mercury and Air Toxics Standards, which limit the amount of mercury and other toxic pollutants that utilities can emit and the Cross-State Air Pollution Rule, which reduces air pollution emitted in upwind states that harms health in downwind states. **If the President is presented with H.R.2401, his senior advisors would recommend that he veto the bill.**

An amendment to be offered by Rep. Whitfield, if adopted, would make even more far-reaching and damaging changes to the Clean Air Act, and would block EPA from regulating mercury, other air toxics, and soot and smog pollution from power plants.

Key Points:

- **Instead of bringing up another GOP assault on the Clean Air Act, the House Republicans should be moving forward on the American Jobs Act.**
- **The American Jobs Act will create jobs and improve economic growth – helping small businesses grow and hire, providing tax relief for workers and families, putting people back to work rebuilding America, and preventing the layoff of teachers, firefighters and police officers.**
- **Instead of bringing up bills to create jobs, the GOP is bringing up yet another assault on the Clean Air Act – blocking two of the most important, life-saving Clean Air rules in decades: the mercury and air toxics rule and the cross-state air pollution rule. The mercury and air toxics rule will prevent 17,000 premature deaths per year and the cross-state air pollution rule will prevent 34,000 premature deaths per year.**
- **We can have clean energy and jobs. The Clean Energy Group – a coalition of energy utilities and power companies – has said that the changes in industry practice that the mercury and air toxics rule would produce are reasonable, can be accomplished, and are not a burden on industry.**
- **A study released by the Environmental Defense Fund has estimated that the mercury and air toxics rule and the cross-state air pollution rule would together create nearly 1.5 million jobs over the next five years driven by new investments. Meeting EPA’s new air pollution standards that limit SO₂, NO_x, mercury, and other pollutants will result in investment in new pollution control equipment and power plants as well as skilled professionals to do the work – ranging from electricians, plumbers, pipefitters, boilermakers, and engineers.**

Background:

- **We Can Have A Strong Economy and A Strong Clean Air Act.** Since its enactment in 1970 and subsequent amendment in 1990, both times with strong bipartisan support, the Clean Air Act has improved the nation's air quality and the health of the American people. Forty years of success have demonstrated that strong environmental protections and strong economic growth go hand in hand. Since 1970, the Clean Air Act has reduced toxic and health-threatening air pollutants by 60 percent while at the same time the economy has grown by over 200 percent. Since 1970, the economic benefits of the Clean Air Act have been shown to outweigh all costs associated with the law, and the economic benefits of the Act are expected to reach nearly \$2 trillion in 2020 – exceeding costs by more than 30 to 1.
- **Most Americans Support Strict Pollution Standards That Clean Up Our Air.** A recent bipartisan survey shows that pushing policies that block strong Clean Air requirements is out-of-touch with voters. The survey shows that over 70 percent of voters do not want Congress to stop the EPA from setting stricter pollution limits. The survey was done by the Republican polling firm Moore information and the Democratic firm Greenberg Quinlan Rosner.
- **Cleaning Up the Air Should Be A Bipartisan Issue: Asthma Strikes Both Republicans and Democrats.** Asthma is a serious health problem in this country. It is estimated that 34 million Americans suffer from asthma, including 7 million children. Millions more Americans have other respiratory conditions. Americans with asthma and other respiratory conditions need clean air for their health.
- **Despite GOP Claims, Democrats Do Not Support Unnecessary and Unfairly Burdensome Rules – Only Rules Whose Benefits Clearly Exceed Their Costs.** Congressional Democrats agree with President Obama when he stated, “We should have no more regulation than the health, safety, and security of the American people require.” The health of the American people requires the implementation of the Cross-State Air Pollution Rule and the Mercury and Air Toxics Standards. The benefits of the Cross-State Air Pollution Rule are estimated to be 150 to 350 times its costs. And the benefits of the Mercury and Air Toxics Standards rule are estimated to be 5 to 13 times its costs. These are rules the country needs.

Overview of the Bill:

Blocks & Indefinitely Delays Long-Overdue Mercury and Air Toxics Standards

- **Mercury and Air Toxics Standards Would Save Lives and Protect the Public from Pollution from Mercury and Other Dangerous Toxic Pollutants.** The long-overdue Mercury and Air Toxics Standards, which were proposed on March 16, 2011, will require power plants to clean up emissions of mercury and other toxic air pollutants. Power plants are by far the largest U.S. source of mercury air pollution. Mercury is a powerful neurotoxin of particular concern for pregnant women and young children because it damages the developing brain. Power plants also emit arsenic, chromium, and other toxic metals, which can cause cancer and other health effects. The proposed rule would prevent more than 90 percent of mercury in the coal from being emitted into the air by 2015. The rule would also reduce fine particle emissions by 29 percent by 2015.
- **The Bill Blocks and Indefinitely Delays the Mercury and Air Toxics Standards.** The bill blocks the implementation of the Mercury and Air Toxics Standards rule until at least February 1, 2013, and indefinitely delays implementation by eliminating the Clean Air Act deadlines for action.
- **More Than Half of Coal-Fired Power Plants Already Use the Pollution Control Technologies Required by New Rule.** Currently, more than half of all coal-fired power plants already deploy widely available pollution control technologies that would be used to meet these important standards. Once the rule is final, these standards will ensure the remaining coal-fired plants, roughly 44 percent, take similar steps to decrease dangerous pollutants.

- **Each Year of Delay of the Rule Will Harm the Health of the American People, Including Causing Additional Premature Deaths.** Each year of delay of the rule will produce up to:
 - 17,000 additional premature deaths;
 - 12,200 hospital and emergency room visits for respiratory and cardiovascular disease;
 - 11,000 non-fatal heart attacks;
 - 120,000 cases of aggravated asthma, including childhood asthma; and
 - 850,000 days when people miss work or school because of illness.
- **The Benefits of the Rule Far Outweigh Its Costs.** It is estimated that the pollution reductions required by the rule will yield health benefits of \$59 billion to \$140 billion per year (from lower health care costs and higher worker productivity), which is 5 to 13 times its costs.
- **The American Lung Association Has Highlighted the Importance of This Rule.** The American Lung Association has pointed out, “When final, this proposed rule – required by the Clean Air Act – will protect Americans against life-threatening air pollution such as mercury, arsenic and other toxics...[The rule] close[s] a toxic loophole that has existed for 20 years by updating standards to protect Americans all across the country from hazardous air pollution. Without these standards, toxic pollution will continue filling our lungs and more people will suffer – and even die – unnecessarily.”

Blocks & Indefinitely Delays Long-Overdue Cross-State Air Pollution Rule

- **Cross-State Air Pollution Rule Would Save Lives and Protect the Public from Out-of-State Pollution.** The long-overdue Cross-State Air Pollution Rule, which was finalized on July 6, 2011, requires 27 states in the eastern, central, and southern United States to reduce sulfur dioxide and nitrogen oxide emissions from power plants that pollute the air in downwind states. It is estimated that, by 2014, this rule and other federal rules will reduce regional emissions of sulfur dioxide by 75 percent and nitrogen oxides by 54 percent.
- **The Bill Blocks and Indefinitely Delays the Cross-State Air Pollution Rule.** The bill blocks the implementation of the Cross-State Air Pollution until at least February 1, 2013, and indefinitely delays implementation by eliminating the Clean Air Act deadlines for action.
- **Each Year of Delay of the Rule Will Harm the Health of the American People, Including Causing Additional Premature Deaths.** Each year of delay of the rule will produce up to:
 - 34,000 additional premature deaths;
 - 19,000 hospital and emergency room visits for respiratory and cardiovascular disease;
 - 15,000 non-fatal heart attacks;
 - 400,000 cases of aggravated asthma, including childhood asthma; and
 - 1.8 million days when people miss work or school because of illness.
- **The Benefits of the Rule Far Outweigh Its Costs.** It is estimated that the pollution reductions required by the rule will yield health benefits of \$120 to \$280 billion per year (from lower health care costs and higher worker productivity), which is 150 to 350 times its costs.
- **The American Lung Association Has Highlighted the Importance of This Rule.** The American Lung Association has pointed out, “The finalization of the Cross-State Air Pollution Rule is a vital component of the EPA’s efforts to protect the health of Americans who live downwind of power plants that belch out life-threatening pollution. This rule makes power plants behave like ‘good neighbors’ by cutting their pollution that spreads across the border of 28 eastern states. ... States cannot protect their citizens from pollution that blows in from neighboring states without a strong Clean Air Act.”

Creates A New Bureaucracy to Complete A Biased and Unnecessary Study

- **Requires An Unnecessary, Redundant, and Biased Study.** Finally, the bill establishes an interagency committee to analyze the cumulative impacts of specified air quality and hazardous waste rules and other actions by EPA, states, and localities. The study focuses on the costs to industry, while ignoring the benefits to public health and environment, and it includes rules that have not been finalized or even proposed.