



Summary of H.R. 2250

EPA REGULATORY RELIEF ACT OF 2011

Committee on Energy and Commerce, Democratic Staff

H.R. 2250 is part of the Republican attack on the Clean Air Act and public health. The bill nullifies EPA rules that require industrial boilers and incinerators to reduce their emissions of toxic air pollutants, including mercury; threatens EPA's ability to issue replacement standards; and delays reductions in toxic air pollution from these sources until 2018 at the earliest.

The EPA Rules: Industrial boilers and waste incinerators are among the largest sources of airborne mercury pollution in the United States. Mercury is a powerful neurotoxin that damages the ability of infants and children to think and learn. Industrial boilers and incinerators also emit lead, arsenic, and other toxic metals, which can cause cancer, damage to the nervous system, and other serious health effects.

The Clean Air Act amendments of 1990 require EPA to reduce toxic emissions from numerous industrial sources, including boilers and incinerators, by 2000. Acting under a court-ordered deadline, EPA issued final standards more than a decade late on February 21, 2011. These rules require incinerators and larger, more polluting boilers to reduce their emissions of toxic air pollution to the levels already achieved by the best-performing facilities. The vast majority of boilers – those at smaller and less-polluting facilities – will only need to perform periodic tune-ups.

According to EPA, the pollution reductions required by the rules will yield \$10 to \$24 in health benefits for every dollar spent to meet the standards and prevent up to 6,600 premature deaths, 42,000 asthma attacks, 4,100 heart attacks, and 320,000 missed school or work days each year. In addition, they will prevent the exposure of infants and children to mercury, lead, and carcinogens, but because it is difficult to place a dollar value on these benefits, they are not included in the monetized benefit estimates.

On May 16, 2011, EPA stayed the new rules that apply to larger sources, and EPA is formally re-considering these rules to take into account new industry data and stakeholder input. EPA plans to finish the reconsideration by April 2012.

Nullification and Delay of the EPA Rules: H.R. 2250 nullifies the rules promulgated by EPA in February and prohibits EPA from finalizing new standards until 15 months after enactment. The bill also prohibits EPA from requiring facilities to comply with any new standards for at least an additional five years and sets no final compliance deadline, allowing for indefinite delay. Industrial boilers and incinerators will not need to reduce their emissions before 2018, at the earliest, three years later than EPA's current plan for boilers. A three-year delay will allow up to 20,000 premature deaths, 12,000 heart attacks, and 123,000 asthma attacks that could have been avoided.

Undermining the Clean Air Act: Since 1990, EPA has set numeric emissions limits under section 112 of the Clean Air Act on a pollutant-by-pollutant basis for more than 100 industrial source categories. This approach has been a major success, reducing emissions of carcinogens and other highly toxic chemicals by 1.7 million tons each year. H.R. 2250 would effectively rewrite sections 112 (for boilers) and 129 (for incinerators) to require EPA to select the regulatory option that is least burdensome to industry, even if another option is feasible, cost-effective, and offers better public health protections. The bill also abandons the proven pollutant-by-pollutant approach in favor of an untried methodology that would require EPA to make subjective decisions about whether emitting more mercury but less lead is better or worse for public health than the reverse. These statutory changes are not workable and guarantee years of litigation.

Violation of "Discretionary Cut-Go": Because H.R. 2250 nullifies the existing EPA rules and requires EPA to start the rulemaking process over again, CBO estimates that compliance with the bill will result in \$1 million in discretionary spending by EPA. Contrary to the discretionary cut-go policy announced by the Republicans, the bill does not offset this new authorization.