

## ***Editorial | Wheeze and bear it***

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### **Don Kettl**

Ignoring public health data, EPA gives a huge break to polluting power plants.

The next time President Bush goes for a brisk run, he should try doing it while breathing through a straw.

Before he finishes the first block, he'd have an idea of what thousands of asthmatics go through, thanks to the air pollution streaming from the stacks of aging factories and power plants.

Once he caught his breath, the President might think twice about his plan to eviscerate the Clean Air Act.

On Wednesday, the Environmental Protection Agency put economics ahead of the environment. It instituted a new rule that allows thousands of old power plants and refineries to forego installing air-cleaning equipment when they modernize.

Under the old rules, any upgrade that increased emissions required additional pollution controls. Under the new, weakened rules, it is the cost of the improvements, not the quantity of the emissions that triggers additional pollution-control measures.

Thus, if a utility controls construction costs and works in phases, it could essentially rebuild an entire plant without ever spending a dime to keep the air clean.

That violates the spirit and intention of the Clean Air Act, and it endangers public health.

The administration's decision is all the more disturbing because it's based on assumption and anecdote, not hard data. On Monday, congressional investigators at the General Accounting Office reported that many of Bush's clean air rules, including this one, spring solely from conversations with industry.

Further, the new rule ignores a federal judge's blunt ruling two weeks ago chastising an Ohio utility and upholding the old rule. The utility's parent company, FirstEnergy, also is being investigated for its role in the Northeast blackout.

In his ruling, U.S. District Judge Edmund A. Sargus Jr. noted correctly that in the 1970s, when Congress exempted older plants from new clean air laws, lawmakers "did not intend that such existing sources be forever spared the burden and expense of installing pollution control devices."

Thanks to lax enforcement of air-quality rules, however, these old plants have continued to limp along much longer than Congress expected. Because pollution controls are expensive to install and operate, these dinosaurs have an unfair economic advantage over new, cleaner plants. Like the dented jalopies spewing smoke on the Schuylkill Expressway, the old plants cause a disproportionate amount of U.S. air pollution.

Once again, the Bush administration is favoring big business over public health.

Instead of keeping these plants running as-is, the EPA should have toughened its rules and closed the loopholes, requiring plants to shape up or shut down within 10 years. That's what the independent, nonprofit National Academy of Public Administration said last spring, after being called in by Congress.

It's not a difficult concept, really, as long as enough oxygen is getting to the brain.