

March 17, 2008

New smog rules under fire from both sides

By S. Heather Duncan - hduncan@macon.com

The new national smog standard announced last week faced criticism from all sides: Business groups opposed any change, while public health advocates said it didn't go far enough.

The rule announced by the federal Environmental Protection Agency will put Bibb County back into a "nonattainment zone" for its level of ozone, the primary component of smog.

The flood of comments the EPA received about the ozone standard prompted an unexpected announcement by EPA Administrator Stephen Johnson: The Bush administration is proposing an overhaul of the Clean Air Act.

Johnson's most controversial recommendation about the law is that it should allow EPA to consider costs when setting health standards - a practice it expressly forbids now.

"I've come to see the strengths and limitations of the Clean Air Act and the need to change it for the better," Johnson said in a teleconference.

He suggested that the changes be based on four principles:

- Protecting human health;
- Allowing a cost-benefit and feasibility analysis in addition to the scientific analysis of air standards;
- Adding "greater accountability and effective enforcement"
- "Taking into account the multipollutant nature of air pollution."

COSTS AND BENEFITS

Industry advocates and many governors, including Georgia Gov. Sonny Perdue, had lobbied hard to keep the existing standard, emphasizing the cost of such a move. But the Clean Air Act doesn't allow the EPA to consider economics.

Most public health advocates say that's the way it should be, and any effort to change the act is likely to meet strong opposition in a Democrat-controlled Congress.

"I believe the original intent of the Clean Air Act should be upheld - to protect public health, period," said Rebecca Watts Hull, program manager for Mothers and Others for Clean Air, a group with 700 members statewide. "How do you weigh thousands of deaths against x-million dollars?"

In January, the Georgia Industry Association told state lawmakers that the proposed change in ozone regulations could cost the state more than \$150 billion and hundreds of thousands of jobs. Their presentation spurred the creation of a state Senate bill asking the Georgia congressional delegate to lobby the EPA for no change in the ozone rules.

Georgia Sen. Saxby Chambliss had already written the agency a joint letter with six other

lawmakers calling a new standard "completely unnecessary."

Perdue made a similar appeal. A letter he sent to Johnson last year stated a new set of requirements would be "disruptive to our progress," and he urged Johnson to "decline a premature revision of the ozone air quality standards."

Officials with the association could not be reached for comment this week about Johnson's Clean Air Act proposal.

Brian Gist, a staff attorney for the Southern Environmental Law Center in Atlanta, noted that many cost-benefit analyses - including the one presented by the industry association - don't weigh the economic benefit of improvements in air quality: lower health-care costs and fewer lost work days.

"Something to be considered particularly throughout the Southeast is: We do have historically high asthma rates," Gist said.

For example, according to data gathered by the state, 755 people in Bibb County went to the emergency room for asthma treatment in 2004, and 492 people went to the emergency room in Houston County (more than in the counties where Athens or Brunswick are located).

The EPA stated that cutting smog from the current standard of 80 parts per billion to the new limit of 75 parts per billion would prevent between 900 and 1,100 premature deaths a year, 1,400 fewer nonfatal heart attacks and 5,600 fewer hospital or emergency room visits.

Last year, an independent EPA advisory group of scientists told the EPA that an ozone standard of 60 to 70 parts per billion is needed to provide an adequate margin of protection to millions of people susceptible to respiratory problems. A similar conclusion was reached by a second advisory board on children's health.

When questioned Wednesday on how the EPA could apparently disregard these recommendations, Johnson said in a teleconference, "In the end it is a judgment. ... I adhered to the law, I adhered to the science and made a decision that upholds all of those."

Heather Abrams, air branch chief for the Georgia Environmental Protection Division, said the most pressing issue for Georgia in the wake of that decision is how to handle ozone warnings this summer.

The state predicts high-ozone days and notifies the public. The tougher standard will result in more days being identified as "high-ozone" days, although the air quality has not worsened since last year. Abrams said she will consult with her staff and the EPA in the coming days to figure out how to proceed, given the short time remaining for educating the public before ozone season begins May 1.

CHANGES TO THE CLEAN AIR ACT

Abrams and others said they haven't heard enough details of Johnson's Clean Air Act proposal to interpret some of his recommendations.

Gist and Abrams said the Clean Air Act already provides tools for enforcement; they just

need to be used vigorously.

"From a Georgia standpoint, I think we do a very good job of enforcement and policing the industry," Abrams said. "We'll continue to do that regardless of any change to the Clean Air Act."

She said the EPA should base air standards solely on public health until pollution levels get so close to zero that it's almost impossible to reduce them further.

"We're not near that point," she said. "But when approaching zero emissions, there has to be some kind of balance. I don't think we'll ever get to a point where we'll look at industry and say, 'I'm sorry, you need to shut down.' "

She said she does think the federal government should evaluate its reimbursement of states for enforcing tougher rules, noting that Georgia receives the same level of funding it did in 1990 when it had far fewer nonattainment zones.

Abrams also pointed out pitfalls in allowing the EPA to consider the feasibility of achieving pollution reductions when setting air standards. Industry has repeatedly claimed various requirements weren't feasible, then achieved them anyway. The rules encourage technological innovation that might not happen otherwise, Abrams said.

Gist said he'd be surprised to see revisions to the Clean Air Act make headway in Congress at the end of the Bush administration and during an election year.

To contact writer S. Heather Duncan, call 744-4225.