

Saving the Clean Air Act: What We Must Say Right Now

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Recently news organizations such as PBS Newshour, the New York Times, and many other well-respected purveyors of truth covered an alarming list of 100 EPA rollbacks, either completed or in progress, by the current administration. It is an overwhelming and distressing read.

Some themes emerge in the reading of the complete list of rollbacks. Bypass rules by issuing a “presidential permit.” Utilize language like “transparency” as an opaque cover for rules change intended to do the exact opposite. Disregard science. Ignore the negative impact on human, animal life and planetary life. In one example of tactics to simply bypass rules and regulations, the administration successfully “moved the permitting process for certain projects that cross international borders, such as oil pipeline, to the office of the president from the State Department, exempting them from environmental review.” (<https://www.nytimes.com/interactive/2020/climate/trump-environment-rollbacks.html>)

In the past three years there have been numerous completed changes to rules and regulations protecting our planet, and our well-being with which we adamantly disagree. There are some actions on this list which are in progress, not done deals, and it is upon this which we will focus.

The Clean Air Act was enacted in 1970, and major revisions took place in 1990. According to epa.gov since 1990 there has been approximately a 50% decline in emissions of key air pollutants since 1990.

In 1981 President Ronald Reagan issued Executive Order (E.O.) 12291, which imposed the first requirements for conducting formal benefit-cost analysis in the development of new, major Federal regulations. As pointed out in “The Cost-Benefit Boomerang” (Amy Sinden, July 25, 2019, <https://prospect.org/economy/cost-benefit-boomerang/>) the use of cost-benefit analysis “banked on the assumption that imposing a rigid system of cost-benefit analysis would weaken regulatory safeguards, because the benefits of public-health protections—preventing disease, saving lives, preserving ecosystems—would be hard to quantify”. What has evolved instead is the successful ability of the air pollution monitoring systems installed throughout the country to document the occurrence of particulate matter, a pollutant that causes a myriad of respiratory illnesses. Thus, the EPA was able to tout the benefits of the regulations in benefit-to-cost ratio numbers ranging from 2 to 1 to as much as 10 to 1.

So, in line with its philosophy of ignorance being bliss (think COVID-19 testing) the Trump administration would like to disallow using many of the factors which contribute to the true value and benefits of the regulations. For example, the Obama EPA mercury rule of 2011 reduced not only mercury emissions from coal plants, but a host of other toxins “by up to 90%”. Under the current proposal for rule change the “co-benefits” of the mercury rule would be disallowed in the benefit-cost analysis.

In a recent visit to RMNP, Ivanka Trump highlighted “the Trump Administration’s conservation efforts and the passing of the Great American Outdoors Act (GAOA)” (<https://www.eprail.com/2020/07/22/ivanka-trump-to-visit-rocky-mountain-national-park-thursday/>) While the bill was introduced in the Senate by Democrat Michael Bennett, Republican Cory Gardner is credited with shepherding its passage, and was present at Ivanka’s event. It is encouraging that the President is likely to sign the legislation. However, this administration’s behind the scenes actions, gutting important EPA protections, must be clearly considered when talking about the administration’s

environmental policies impact on Colorado citizens. According to CPR News, “The League of Conservation Voters gave Gardner’s 2019 voting record a 36 percent. His lifetime score is 11 percent. For comparison, Democratic Sen. Michael Bennet scored 86 percent in 2019 with a lifetime score of 89 percent.” <https://www.cpr.org/2020/06/17/cory-gardner-gets-a-win-with-great-american-outdoors-act-but-will-it-deliver-votes-in-november/>

We must also keep in mind that the head of the EPA is currently Andrew Wheeler, a previous coal industry lobbyist. In his short tenure he has sidelined scientists, proposed restricting the use of scientific data, gutted the coal ash rule, and rolled back clean water protections. (<https://blog.ucsusa.org/elliott-negin/andrew-wheeler-decimated-epa>)

The Union of Concerned Scientists points out that “The administration’s solution to pollution is delusion”. Over the years, guidance has been developed to use benefit-cost analysis for “as rigorous and robust an outcome as possible.” Changes in the Trump era EPA “specifically, to justify regulatory inaction and ensure that polluters can always come out on top” by sidelining science, slashing the value of benefits, and marginalizing the consideration of any additional benefits that remain. (<https://blog.ucsusa.org/julie-mcnamara/manipulation-of-benefit-cost-analysis-hides-bodies-in-the-fine-print?>)

It is possible to submit comments before August 3, 2020, regarding the EPA intention to dumb down the benefit-cost rules. The Proposed Rule is called Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process (<https://www.regulations.gov/document?D=EPA-HQ-OAR-2020-0044-0001>) It is a bit confusing, as under Dates the page says the comments must be received on or before July 27, but the Comment Now! Button says Due Aug 3 2020, at 11:59 PM ET. We urge you to familiarize yourself with the issue and exercise your right to comment on this blatant attempt to further gut sensible environmental protections.

Beck, Thomas W. “Saving the Clean Air Act: What We Must Say Right Now”, *Estes Park Trail Gazette*, Friday, July 31, 2020, <https://www.eptail.com/2020/08/03/saving-the-clean-air-act/>