

NLWJC - Kagan

DPC - Box 023 - Folder 009

Environment - PM/Ozone



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To: Bruce N. Reed/OPD/EOP
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Subject: Air Rules

As you know, the NEC and CEQ have been chairing a series of meetings on the new air rules proposed by EPA. Administrator Browner has proposed that a tighter standard be implemented on ground level ozone and a new standard be established on particular matter. The Administrator wants DPC to be more active in the discussions on this issue because of the impact of the regulations on public health, particularly as it relates to children. From a negotiations standpoint, she wants the DPC to be more active because she is facing considerable opposition to the new regulations from the NEC cabinet members.

OZONE

Administrator Browner has proposed a new standard of .08 particles per minute at the 3rd highest level of incidences measured over an eight hour period. Moving to this standard would mean that 230 areas across the country would not meet the new standard (although 191 would come back into attainment if EPA put into effect a cap and trade permit program).

Under this proposal, 210,000 children would experience a reduction in adverse effects on lung functions. The cost of this proposal is not clear, because the Clean Air Act does not allow for EPA to incorporate cost as a factor when making their decision.

Part of the problem on reaching consensus on ozone is that it is not life threatening per se, and the population affected is relatively small. But again, you cannot take into account cost. In addition, scientists agree that no matter what level you reduce the amount of ozone in ground level air, you can never totally eliminate its negative effects. There is no "bright line." Therefore, the science community says the decision is simply a matter of picking a level based on how many people you want to protect from the negative effects of ozone.

I think the Administrator, who we know is very shrewd and can run circles around most of the other cabinet secretaries, has picked this more stringent standard as a negotiating position. I think she will agree to a less stringent standard, as long as it is more stringent than the current standard.

State Politics

To a great extent, this is a midwest versus northeast issue. The northeastern states are arguing that they are tired of having to pay the cost of cleaning up pollution caused by industry and utilities in the midwest. Many midwest cities and other areas are not in violation of the current ozone regulations. The new regulations would cause many cities in the midwest to come into violation.

Currently, there is a process among the governors of the states east of the Mississippi (OTAG) to negotiate an agreement on pollution levels. However, this will not go anywhere without the continued pressure of new EPA regulations.

PARTICULATE MATTER

Unlike ozone, particulate matter (PM) does threaten lives. Yet, while scientist agree what the mechanism is that is damaging individuals lungs (matter lodged in the lungs causes serious long-term health problems), they cannot agree on the chemistry. More clearly stated, the scientific community has not decided whether, for example, it is aluminum, copper, or one of the many other substances found in various types of particulate matter that causes the negative health consequences.

Therefore, many in industry say study the problem, more, and do not regulate PM until you know which of the compounds causes the problem. Thus, if it is aluminum but not copper, than Federal government will only have to regulate aluminum smelters.

However, proponents of the new regulations point out that often we move ahead and regulate something without total scientific consensus.