

Clean Air Act of 1970

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Introduction



Summary of Act: Federal law that regulates air emissions from stationary and mobile sources. Authorizes EPA to establish National Ambient Air Quality Standards to protect public health & public welfare and to regulate emissions of hazardous air pollutants. In addition, it redefined the State and Federal role in monitoring air quality

Sponsor of the Bill: Paul G. Rogers-chaired the House Subcommittee on Health & the environment and was a U.S. Congressman.

-Passed by a bipartisan majority in Congress and signed into law by President Richard Nixon

Introduction

Support

- EPA
- Environmentalists

Oppose

- Oil Industry
- Coal Industry
- Automobile Industry
- Power Plants
- Some Democrats
- Conservatives

Constitutional Underpinning

- 1955- Air Pollution Act- First Federal Law addressing air pollution- provided funds for research on air pollution. Air pollution had long been seen as problem for state & local governments. It would take another 15 years to acknowledge that air pollution was a rapidly escalating national health problem that required federal solutions.
- The Clean Air Act (CAA) amendments of 1963- reduced air pollution from stationary sources such as power plants and steel mills. The CAA sets emission standards for stationary sources while promoted public health and welfare of the United States population

Current Event

"How the Clean Air Act has Saved \$22 Trillion in Health-Care Costs"

September 7th, 2012

- Congress required the EPA to conduct research to evaluate if or not the Clean Air Act has been working in reducing pollution.
 - Evaluation provided a detail analysis of costs and benefits from 1970 to 1990
 - Results: 40% reduction in sulfur dioxide, a 30% reduction in oxides of nitrogen, a 50% reduction in carbon monoxide and a 45% reduction in total suspended particles.
 - Benefits outweighed the cost of implementation
 - EPA concluded that the total monetized health benefits from the Act ranged between \$5.6 and \$49.4 trillion

State Rights Argument

Supreme Court Cases

- [Massachusetts v Environmental Protection Agency](#): The U.S. supreme court case decided 5-4 in which 12 states and several cities of the United States brought suit against the EPA to force that federal agency to regulate carbon dioxide and other greenhouse gases as pollutants.
- [United States v. Ohio Edison](#)- Connecticut, New York, New Jersey & sued Ohio Edison for clean Air act violations at its Sammis plant in stratton, Ohio. The Court rules that Ohio Edison violated the Clean Air Act by making modifications at its facility without obtaining necessary permits, which would have required Ohio Edison to install pollution controls.

Ohio Edison- Sammis PowerPlant



Cont. State Rights Argument

Negative Impact on States or State Citizens

1. The EPA will trample on states rights to regulate environmental and health standards.
2. Climate change data is unclear and cannot be proven.

Cont. State Rights Argument

State/Local Laws Countering the Act

1. 1990-Democratic Governor Ann Richards of Texas supported a flexible approach: granting operating permits based on total emissions at facility. Environmentalist argued that the Clean Air Act calls for pollution levels to be measured at each emissions point or operation at a facility.
2. 2010-Texas sues EPA. They claim that curbs on greenhouse gasses would cost businesses and jeopardize jobs.

National Government Argument

- [Whitman v. American trucking Associations Inc](#): The court held that section 109 of the Clean Air Act prohibited cost considerations when setting the National Ambient Air Quality Standards. In a unanimous Court Justice Scalia considered that section 109 requires the public to be protected with "an adequate margin of safety" and that the CAA had specific reference to cost considerations in related provisions but not with setting the NAAQS.
- 2007- [Massachusetts v. EPA](#)- U.S. Supreme Court rules that the Clean Air Act's authority does apply to regulating greenhouse gases, finding that CO₂ and other heat-trapping gases are air pollutants under the plain terms of the law. The Court held that the EPA must take action if the administrator finds that greenhouse gas pollution is dangerous to public health and welfare.

Cont. National Rights Argument

Positive Impacts on States or State Citizens

1. Saves us money and benefits the economy. In its first two decades alone, it created benefits valued at \$22.2 trillion – 42 times greater than the estimated costs of its regulations
2. Saves many thousands of lives and improves health, and decreases hospitalizations & illnesses such as cancer and asthma, and lost school and work days

Cont. National Rights Argument

Monetized Benefits and Costs of the Clean Air Act

Study	Benefits	Costs	Benefit-Cost Ratio
CAA 1970 through 1990	\$22.2 trillion	\$523 billion	42:1
CAA 1990 through 2010	\$690 billion	\$180 million	4:1
Stratospheric Ozone Protection	\$530 billion	\$27 million	20:1

Cont. National Rights Argument

Table 13.1

Health effects avoided by the Clean Air Act, 1970 to 1990

Effect	Pollutant(s)	Annual effect avoided	Effect value per case
Premature mortality	PM	184,000 cases	\$4,800,000
Chronic bronchitis	PM	674,000	\$260,000
Ischemic heart disease hospitalization	PM	19,000	\$10,300
Congestive heart failure	PM and CO	39,000	\$8,300
COPD and pneumonia hospitalization	PM and ozone	62,000	COPD: \$\$8,100; Pneumonia: \$7,900
Acute asthma attack	PM and ozone	850,000	\$32
Days lost work	PM	22,600,000	\$83 per day

Note: PM = particulate matter, CO = carbon monoxide, COPD = chronic obstructive pulmonary disease.

Cont. National Rights Argument

State/Local laws Supporting the Act

- 2002-California enacted AB 1493, a law that requires reductions in greenhouse gas (GHG) emissions from light-duty vehicles.
 - Apply to new vehicles starting in the 2009 model year.
 - The standard requires that new vehicles, on average, achieve an emissions reduction of 30 percent by 2016
 - Covers carbon dioxide, methane, nitrous oxide, and hydrofluorocarbon emissions.

Cont. National Rights Argument

State/Local Laws Supporting the Act

- In 2007, New Jersey passed the “Global Warming Response Act”—a stricter version of California’s law that committed New Jersey to reducing emissions to 1990 levels by 2020 and then to 80 percent of 2006 emissions by 2050
- In 2007, Hawaii passed the Global Warming Solutions Act, requiring greenhouse gas emissions cuts to 1990 levels by 2020

Cartoon



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