

US Senate upholds Bush aid to air polluters

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In the first policy test for the Bush administration since the US Senate reverted to Republican control, the upper house of Congress voted to implement new air pollution regulations that allow corporations to run coal-burning factories and power plants without installing anti-pollution devices.

The Senate voted by 50-46 against a proposal to delay the Bush administration's regulatory changes for six months while the environmental impact was studied by the National Academy of Sciences. A subsequent 51-45 vote endorsed the regulations. Both measures were introduced as amendments to a \$390 billion appropriations bill that provides the funding for a vast array of government programs through September 30.

The Clean Air Act, passed three decades ago, requires new industrial and power plants to have up-to-date pollution controls, such as scrubbers. Older plants, built before 1977, are required to add such controls when they are significantly upgraded. The key to the enforcement of this provision is the determination of when such an upgrade goes beyond routine maintenance, making an old plant a "new source" of pollutants. This is defined by federal regulations issued by the Environmental Protection Agency (EPA).

Less than three weeks after the election, the Bush administration announced that it was revising the EPA regulations to relax the standard for "new sources" of pollution, making it possible for utilities and other large corporate polluters to make extensive upgrades in older plants without the expense of installing anti-pollution equipment.

At least one of the rules actually permits corporations to install equipment that increases the quantity of pollutants released into the air. It is the first time since the passage of the Clean Air Act in 1970 that controls on atmospheric emissions have been loosened rather than made tighter.

The decision was hailed by utility and energy

industry lobbyists, but challenged by the state attorneys general of nine Northeastern states which, because of their location and weather patterns, receive a disproportionate share of the acid rain, soot and smog from heavy industry in the Midwest. Connecticut, New York, New Jersey, Maryland, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine joined in filing a lawsuit against the new EPA rules.

This regional split contributed to the closeness of the vote in the Senate, as five Republican senators from New England backed the plan to delay the EPA rules. Their defection was offset by five southern Democrats, four of them from Arkansas and Louisiana, states dominated by coal, oil and gas interests, who backed the Bush administration's position.

The green light for more corporate smog is only one of a barrage of administrative and regulatory actions announced by the Bush administration since the 2002 election, weakening anti-pollution laws and permitting corporate interests to boost their profits by ravaging the environment.

Last November, the administration announced it would overturn regulations for managing national forests issued by the Clinton administration late in 2000, in favor of new regulations drafted in consultation with the timber industry. The new rules drastically shorten the process of environmental review before national forests can be opened to logging, drilling or other commercial activities.

The new rules reduce the number of scientific reports required and limit the opportunities for public comment on plans for commercial development. Form letters and preprinted postcards—frequently distributed by environmental groups campaigning to preserve wilderness areas—would be discarded unread. Individual managers of national forests would have greater license to ignore such environmental concerns as the preservation of diverse plant and animal species.

The American Forest and Paper Association (AFPA), a trade group for the forest products industry, hailed the proposed rules, saying they “will restore common sense to the forest management process.” The undersecretary of agriculture who supervises the Forest Service, Mark E. Rey, was vice president of the AFPA from 1992 to 1994 and worked for a decade as an industry lobbyist.

The new rules for expediting permits for logging and grazing effectively repeal the 1976 National Forest Management Act, which centralized the process of environmental review and largely removed the power to permit logging from individual forest managers, who were more susceptible to the pressure and blandishments of timber interests. It applies to 192 million acres of public lands in 155 national forests in 44 states.

As with many of its most reactionary policies, the Bush administration sought to depict the plan for ravaging the forests as its opposite—a plan to preserve the forests through careful management. Secretary of Agriculture Ann Veneman blamed environmental restrictions on removing undergrowth for the toll of death and destruction from last summer’s forest fires. But the expedited process will apply not only to small trees and brush, but also to logging in such areas as Sequoia National Forest, which has centuries-old trees.

On December 16, the EPA issued new rules significantly weakening proposed restrictions on the runoff of livestock waste from factory farms that raise millions of chickens, pigs and cows in metal sheds, producing 220 billion gallons of liquefied manure last year. This runoff is a major source of contamination of drinking water.

The new regulation was only issued because of a court-imposed deadline, and is far looser than the draft prepared under the Clinton administration, cutting in half the number of companies affected and making the whole process self-policed: i.e., allowing agribusiness to decide how massive the level of pollutants flowing into rivers and lakes will be.

The regulation also exempts agribusiness corporations from liability for illegal dumping of pollutants by subcontractors and suppliers. The Bush EPA itself estimates that the livestock and poultry industries will incur only \$335 million in annual costs from the new regulations, compared to \$980 million in costs imposed by the original Clinton administration

proposal. While these industries reap the profit, the health costs will be borne by the American people.

Other anti-environmental measures announced in the last several weeks include:

- * Formally withdrawing a Clinton administration rule that required federal oversight of state cleanup efforts at “impaired water bodies,” terminology which designates 300,000 miles of rivers and coastlines and 5 million acres of lakes. Big corporate polluters complained that federal involvement would lead to increased cleanup costs.

- * Issuing new rules making it easier for states and local governments to build new roads and open up territory to mining and other extractive activity on federal lands, by claiming “rights of way” based on ancient trails and dirt tracks long out of use.

- * Allowing the trading of pollution “credits” by companies that must comply with the Clean Water Act, modeled on a similar market-based system that permits companies to buy the right to violate the Clean Air Act.

- * Exempting up to 20 percent of US wetlands from the protection of the Clean Water Act, by excluding ponds and wetlands that are restricted to a single state and do not flow into interstate rivers or lakes.

- * Opening up to oil gas and drilling nine million acres of the Alaska North Slope, part of the National Petroleum Reserve that is located near, but outside, the Arctic National Wildlife Refuge. The proposal by the Bureau of Land Management is the largest single offering of land for drilling in the history of the American Arctic.



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