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## Critics Say E.P.A. Won't Analyze Some Clean Air Proposals

By JENNIFER 8. LEE

**W**ASHINGTON, July 13 — In the last several months, the Environmental Protection Agency has delayed or refused to do analysis on proposals that conflict with the president's air pollution agenda, say members of Congress, their aides, environmental advocates and agency employees.

Agency employees say they have been told either not to analyze or not to release information about mercury, carbon dioxide and other air pollutants. This has prompted inquiries and complaints from environmental groups, as well as Democrats and Republicans in Congress.

"It's totally unacceptable," said Senator Joseph I. Lieberman, Democrat of Connecticut. "This is an administration that lets its politics and ideology overwhelm and stifle scientific fact."

Mr. Lieberman said the agency refused to analyze legislation that he and Senator John McCain, Republican of Arizona, sponsored to limit emissions of carbon dioxide, the main greenhouse gas implicated in global warming.

Lisa Harrington, a spokeswoman for the agency, said, "These decisions were not motivated in any way by politics."

The agency routinely assesses important proposals for environmental laws and regulations, using computer modeling to predict their environmental and economic consequences and to calculate their risks and benefits. The results are often used to bolster or attack policy positions.

The question is whether the agency is deciding which analyses to release based on which side the studies favor in environmental debates.

"Whether or not analysis is released is based on at least two factors," said William D. Ruckelshaus, who was the first agency administrator under Nixon. "Is the analysis flawed? That is a legitimate reason for not releasing it. But if you don't like the outcome that might result from the analysis, that is not a legitimate reason."

Take the case of mercury. It is a leading pollutant from coal-burning power plants, but it has never been controlled under the Clean Air Act.

Because mercury lasts a long time in the environment and can harm people and animals, the agency is under a court order to propose regulations by the end of this year and to put them in force within five years.

The agency had set an interim deadline of Aug. 1 to have proposals ready for review by the White House Office of Management and Budget. Typically, such regulations require many rounds of modeling

to compare costs and benefits.

A dozen staff members met with Jeffrey Holmstead, the assistant administrator for air programs, on March 27 to explain the options they planned to assess. Employees at the meeting set Mr. Holmstead said he had to consult the White House before they proceeded. Four days later, a meeting at which the staff members were to present results of their modeling to outside advisers was canceled. It has not been rescheduled.

Mr. Holmstead said he decided to postpone the modeling because the agency was not sure if some of the proposed regulations would be legal under the Clean Air Act. He said that even without the modeling, "we are on track" to produce regulations.

The administration has proposed its own standards for mercury emissions in draft legislation to update the Clean Air Act, a bill that it calls Clear Skies. Environmental groups and members of Congress say those regulations could be weaker than the ones being considered by the environmental agency. Recently 138 representatives, including 13 Republicans, sent a letter to the president urging him not to weaken the mercury proposal.

On another environmental front, Christie Whitman, then administrator of the Environmental Protection Agency, sent a letter in June to Senators McCain and Lieberman, refusing to do economic analysis on their bill to limit carbon dioxide emissions.

"I am disappointed that the E.P.A. declined to review the bill and do not feel it was normal procedure to refuse to analyze a bill that is under the agency's jurisdiction," Senator McCain said.

Mrs. Whitman, who has since resigned, wrote the senators that the Energy Department's statistical office, the Energy Information Agency, was already conducting an analysis and "based on past analyses, I would expect that E.I.A.'s cost estimates should not be significantly different from the estimates that E.P.A. would have produced."

The energy agency and the Environmental Protection Agency did do models on legislation to clean up power plants proposed by Senator James M. Jeffords, independent of Vermont; Senator Susan Collins, Republican of Maine; and Senator Lieberman. In that case, the two models differed significantly; the energy agency showed a greater decline in use of coal.

This is in part because the energy agency typically uses a more conservative model, experts said.

"It's not thought of as a model that captures the flexibility in the economy," said Vicki Arroyo, director of policy analysis at the Pew Center for Climate Change, one of the outside groups that the energy agency asked to review its analysis of the McCain-Lieberman proposal.

Mr. Lieberman said that the environmental agency's decision not to conduct an analysis "was an intervention from above that closed down an effective scientific inquiry for political and ideological reasons."

Staff members at the agency said it did compare the administration's environmental plan with one sponsored by Senator Thomas R. Carper, Democrat of Delaware, and Senator Lincoln Chaffee, Republican of Rhode Island. But the agency released only a raw data print-out of its findings. A summarized report, which indicated that the Carper-Chaffee proposal had some advantages, was not released.

At a meeting on May 2, employees who attended it said, Mr. Holmstead of the E.P.A. wondered out loud, "How can we justify Clear Skies if this gets out?"

When asked if he made that comment, Mr. Holmstead said he did not "recall making any specific remarks."

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