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Politics and Pollution

President Bush's critics have watched with mounting frustration as his administration has compiled one of the worst environmental records in recent history without paying any real political price. One reason may be that the issues at stake are too regional, like forest fires or salmon recovery, or too remote, like global warming. But the administration itself may now have wittlessly altered this dynamic with its reckless and insupportable decision to eviscerate a central provision of the Clean Air Act and allow power plants, refineries and other industrial sites to spew millions of tons of unhealthy pollutants into the air.

The proposed changes in the act, formally announced yesterday, are so transparently a giveaway to Mr. Bush's corporate allies and so widely unpopular among the officials responsible for air quality in the individual states that they have already assumed a place in the nascent presidential race. Democratic candidates are competing to see who can express more outrage — John Kerry, for instance, calls the changes a " 'get out of jail free' card" for polluters. Moderate Republicans are dismayed and embarrassed. The issue will acquire even greater momentum when the new rules are published as a fait accompli in the Federal Register, and a dozen or more states sue in federal court to have them stayed and then overturned.

These suits could easily succeed. The new rules are a clear violation of Congress's intent in 1977, when it required utilities and other polluters to install modern pollution-control technology whenever they modified their plants in ways that increased emissions. The Justice Department identified 51 plants that were in violation of the 1977 rule because they had been upgraded without the required pollution controls. Several of these cases have been resolved in the government's favor, but the administration's action clearly jeopardizes the remaining lawsuits.

As the administration's defense takes shape, the public should beware of half-truths and artful demagoguery. One specious line of argument is that the old rule inhibited companies from doing routine maintenance and making plants more efficient. The administration has offered no compelling evidence to support that beyond the anecdotal say-so of a few utilities. A companion argument, made by apologists for the White House, is that the old rule contributed to the blackout. This, too, is nonsense. The blackout was caused by deficiencies in the transmission grid or its management and had nothing to do with environmental regulations or a shortage of power.

This line of reasoning is eerily reminiscent of the efforts to blame environmentalists for the California energy crisis, and is equally as hollow.