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Monday, August 25, 2003

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EDITORIAL:

EPA rule change hurts chances to clean up air

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The Environmental Protection Agency is expected to announce this week a change to a Clean Air Act rule that could allow up to 17,000 industrial facilities nationwide to avoid installing modern pollution controls when they make upgrades.

That's terrible news, particularly for Mainers who already suffer the effects of air pollution from other parts of the country. The state has the second-highest adult asthma rate in the nation, and many residents suffer from other respiratory ailments because of pollution carried here on the jet stream.

The rule changes the Clean Air Act's definition of "routine maintenance," allowing facilities to avoid putting in new pollution controls when they make equipment upgrades worth less than 20 percent of the cost of replacing the whole system. Facilities that upgrade often end up polluting more because of increased production.

The timing of this is unfortunate. Likely, many power plants across the country will be making equipment upgrades along with the nation's transmission system in the fallout of the biggest blackout in North American history. The chance to significantly reduce the nation's air pollution would be lost.

This also exempts the president's nominee for EPA chief, Utah Gov. Michael Leavitt, from criticism over the controversial decision, which he now won't have to make.

An act of Congress could alter the decision, said Mark Sullivan, spokesman for U.S. Rep. Tom Allen. Allen was one of a group of

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lawmakers who sent a letter to acting EPA administrator Marianne Horinko opposing the rule change.

The Natural Resources Defense Council, which released a leaked copy of the rule to the press, said if the new rule had been in place it would have undermined prosecution or settlement of many recent enforcement cases, allowing the nation's dirtiest and oldest plants to continue to spew tons of avoidable pollution into America's air.

Too many older facilities are working without available technology that could significantly reduce pollution, and the old rule had offered a reasonable alternative to forcing power plants to adopt the available upgrades.

Congress should act to prevent this rule change to protect Americans' health and the environment.

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