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## Camouflage on Clean Air

**V**ictories for the environment, even small ones, come rarely in the Bush administration. So last week there was reason to cheer when John Ashcroft, the attorney general, said that as a matter of law the Clinton administration and a group of Northeastern states were justified in launching lawsuits against operators of 51 power plants that had failed to install pollution controls as required by the Clean Air Act. Yet the victory is almost certain to be temporary. Powerful forces inside the administration are determined to eliminate or weaken the provision of the Clean Air Act on which these suits were based. If that happens, the legal process involving the 51 plants will come to a halt and the nation will be robbed of a useful weapon against dirty air.

The provision in question is known as new source review. It requires existing power plants to install modern pollution controls whenever they are significantly upgraded or expanded to produce more power and, in most cases, more pollution. The lawsuits charged that the companies had failed to install the required controls, and tentative settlements were reached last year with two big operators — Cinergy, based in Cincinnati, and Virginian Electric Power, in Richmond — which agreed to install costly new controls. The Northeastern states were particularly interested in the outcome because a lot of the pollution from Midwestern and Border State plants blows eastward on the prevailing winds, causing acid rain and adding to urban smog.

In May, however, the energy task force headed by Vice President Dick Cheney ordered Justice to review the pending cases as part of a larger effort to determine whether new source review was discouraging investment and expansion, as industry claimed. Justice has now completed its mission, ruling that the pending cases may proceed. But pressure to torpedo the underlying statute continues to build — from high-priced industry lobbyists like the former Republican Party chairman Haley Barbour, and from members of the cabinet. If these forces ultimately prevail, last week's action by Justice will be little more, to quote Eliot Spitzer, New York's attorney general, than "disingenuous camouflage of another capitulation" to President Bush's industrial allies.

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