

## Comparison of Bush Administration “Clear Skies” Power Plant Initiative with Existing Clean Air Act Programs

	<b>Nitrogen Oxides (NOx)</b>	<b>Sulfur Dioxide (SO2)</b>	<b>Mercury (Hg)</b>	<b>Carbon Dioxide (CO2)</b>
<b>Clean Air Act</b> (existing programs) <sup>1</sup>	1.25 million ton cap by 2010 <sup>2</sup>	2 million ton cap by 2012 <sup>3</sup>	5 tons per year by 2008 <sup>4</sup>	--
<b>Bush “Clean Skies” Plan</b> (two-step approach) <sup>5</sup>	2.1 million ton cap by 2008 1.7 million ton cap by 2018	4.5 million ton cap by 2008 3 million ton cap by 2018	26 tons per year by 2010 15 tons per year by 2018	No Limit
Increase allowed by Bush Plan over Clean Air Act existing programs (by 2018) <sup>6</sup>	<b>450,000 tons</b>	<b>1 million tons</b>	<b>9.5 tons</b>	No Limit
% Increase allowed by Bush Plan over Clean Air Act existing programs (by 2018)	<b>36%</b>	<b>50%</b>	<b>190%</b>	No Limit
Delay allowed by Bush Plan over Clean Air Act existing programs	<b>8 year delay</b>	<b>6 year delay</b>	<b>10 year delay</b>	

# Endnotes

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<sup>1</sup> U.S. EPA, “Discussion of Multi-Pollutant Strategy,” Meeting with EEI, September 18, 2001; “Comparison of Requirements Under Business-as-Usual and the Straw Proposal,” page 10. Available at <http://www.cleartheair.org/currentstatus.pdf>. EPA prepared this analysis for the Edison Electric Institute (EEI), a consortium of the nation’s electric utilities. The analysis compares EPA’s “straw” proposal for power plant cleanup with the level of cleanup that would occur if existing Clean Air Act programs were fully implemented (the so-called “business as usual” scenario).

The existing programs that EPA analyzed for the business as usual scenario include the following: (1) nitrogen oxide (NOx) reductions that would occur under the Eastern U.S. ozone smog reduction program (the so-called “NOx SIP call”); (2) nitrogen oxide reductions that would occur in order to bring ozone smog levels down to levels mandated by the national ambient air quality standards (“NAAQS”) (the so-called “Ozone NAAQS”); (3) sulfur dioxide reductions that would occur in order to bring fine particulate matter pollution (known as “PM 2.5”) down to levels mandated by the national ambient air quality standards (the so-called “PM 2.5 NAAQS”); and (4) mercury (Hg) reductions that would occur at power plants in order to satisfy the “maximum achievable control technology” or “MACT” regulation currently under development at EPA (the so-called “Hg MACT”).

EPA’s straw proposal is not the same as what President Bush proposed in his “Clear Skies Initiative.” EPA’s plan proposes pollution caps and timeframes that are much more stringent than the plan that the President ultimately proposed. However EPA’s analysis of the reductions that would be achieved under the “business as usual” implementation of the Clean Air Act is the best official estimate that currently exists of the reductions the current Clean Air Act is capable of achieving.

<sup>2</sup> Ibid, page 10. EPA projects that measures to implement the national ambient air quality standard (“NAAQS”) for ground-level ozone will lead to a cap on power plant nitrogen oxide (NOx) emissions of 1.09 million tons per year in the so-called “OTAG” region by 2010. “OTAG” is the “Ozone Transport Assessment Group” and covers 37 states in the Eastern half of the country. EPA’s analysis does not calculate what the cap will be for the entire country. However, informal discussions with EPA air quality officials have indicated that the nationwide cap on power plant NOx emissions by 2010 will be 1.25 million tons per year. This number is consistent with the “Phase III” cap on NOx emissions that EPA chose for its straw proposal.

<sup>3</sup> Ibid, page 10. Sulfur dioxide is the primary cause of fine particulate matter pollution. EPA projects that, in order to meet national ambient air quality standards for fine particulate matter (the “PM 2.5 NAAQS”) by 2012, a 2 million ton per year cap on power plant sulfur dioxide emissions will be necessary.

<sup>4</sup> Ibid, page 10. EPA’s September 18 analysis does not state how many tons per year of mercury will result from business as usual implementation of the Clean Air Act. Instead, its analysis says that there will be a “70% facility-specific reduction requirement” for power plants by 2008 under EPA’s “Hg MACT” regulation, which is currently under development. However, on December 4, 2001, EPA prepared another analysis for industry that shows EPA expects the electric utility industry to emit 5 tons of mercury per year following implementation of the Hg MACT. See, U.S. EPA presentation, pp. 4-6, where EPA states “If we did MACT now for coal and ... if we subcategorized by coal type ... this would result in ... tons emitted under MACT ... total ~ 5.” <http://www.cleartheair.org/epamercury.pdf>.

<sup>5</sup> See White House, “Fact Sheet: President Bush Announces Clear Skies & Global Climate Change Initiatives,” available at: <http://www.whitehouse.gov/news/releases/2002/02/20020214.html>.

<sup>6</sup> There will be increases in emissions under the Bush plan from emissions that would occur under the Clean Air Act “business as usual” scenario because the Bush plan replaces existing Clean Air Act programs rather than supplementing them. In his speech announcing the power plant cleanup plan, the President confirmed that “[t]he Clean Skies legislation . . . will replace a confusing, ineffective maze of regulations for power plants . . . .” : <http://www.whitehouse.gov/news/releases/2002/02/20020214-5.html>. In testimony before Congress in July 2001, EPA Administrator Whitman confirmed that the Administrations multipollutant program would replace rather than supplement existing Clean Air Act programs. See: [http://www.senate.gov/~epw/whitman\\_0726.htm](http://www.senate.gov/~epw/whitman_0726.htm).