



To: Obama-Biden Transition Team

From: Abraham Breehey, International Brotherhood of Boilermakers

Subject: Our Opposition to “Multi-Pollutant” Legislation and Support for CAIR Fix

As you prepare to address issues in the next Congress, we wanted to bring to your attention our serious concern about misguided efforts to pass “multi-pollutant” legislation, especially in the Senate. At the same time, we strongly support legislation to reinstate Phase 1 of EPA’s Clean Air Interstate Rule and urge you to support passage of a CAIR “fix” as quickly as possible.

Multi-pollutant legislation would require the simultaneous reduction in emissions of four pollutants emitted by power plants: sulfur dioxide, nitrogen oxides, mercury and carbon dioxide. In our view, multi-pollutant legislation is not necessary, and attempts to resurrect past policy debates in the next Congress would detract from efforts to pass economy-wide climate change legislation, which is a priority for President Obama, Congressional Democrats, organized labor, environmental groups, and many in the business community.

When the so-called “Clear Skies Act” died in the Senate, EPA promulgated regulations in 2005 to accomplish the same purpose. EPA’s Clean Air Interstate Rule (CAIR) is designed to reduce power plant emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>), pollutants that contribute to fine particle and ozone air pollution. In addition, the agency’s Clean Air Mercury Rule (CAMR) would have substantially reduced mercury emissions from coal-fired power plants. As you may know, the installation of pollution control equipment in power plants is a source of significant man-hours for boilermakers and other union construction trades. Both rules have been the subject of legal challenge in the courts.

As a result of this litigation, it is highly likely that EPA will have to develop new regulations to control mercury emissions from power plants. These new regulations are expected to be more stringent than EPA’s original mercury rule. For that reason, we do not see any reason for Congress to waste valuable time trying to pass legislation to control power plant mercury emissions when EPA, under the direction of the Obama Administration, can be expected to take responsible action.

CAIR also is still tied up in the courts. In July, a three-judge panel of the D.C. Circuit unexpectedly vacated the entire rule, thereby causing major disruptions in federal-state emissions control plan for meeting the air quality standards for fine particles and ozone. The outcome of appeals by EPA and other litigants is uncertain at best and, if unsuccessful, could delay power plant emission reductions – as well as the jobs created through the installation of new equipment – that were scheduled to begin in January 2009 under the rule. It is



critical that these emission reductions occur on schedule in order to help twenty-eight (28) states and the District of Columbia comply with EPA's air quality standards for ozone and fine particles.

Because of the uncertainty caused by litigation over CAIR, we urge the Obama Administration to support the passage of narrow "rifle-shot" legislation that will reinstate Phase 1 of CAIR (2009-2014). Such legislation would accomplish at least two important purposes. First, it would ensure air quality improvements of the now-invalidated CAIR emissions control program without further legal delay. Second, legislation would ensure that utilities move forward with large pollution control projects at power plants that are necessary to comply with the CAIR reduction requirements. Moving forward with these major capital projects will provide an extra economic push in many states whose economies need stimulation and whose workers need employment opportunities. Reinstating Phase 1 through legislation would give EPA time to develop a second phase of CAIR that addresses any legal issues that need to be resolved and to determine whether deeper emission reductions are necessary.

Please let me know if we can provide you with further detail about multi-pollutant legislation or CAIR. In the meant time, we look forward to working closely with the Obama Administration and our allies in Congress to pass a CAIR fix as quickly as possible.