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EPA Rule Rejects More Pollution from Smokestacks in Alabama



The United States Environmental Protection Agency ("EPA") today reversed a 2008 decision that had weakened Alabama laws limiting emissions from smokestacks. In one of its final actions, the Bush Administration allowed Alabama to ease restrictions on the amount of smoke that sources such as power plants may emit. Today's rulemaking action by EPA is a victory for cleaner air across Alabama and especially in areas like heavily-polluted Birmingham, which has failed to meet federal air quality standards for dangerous fine particulates for many years.

Michael Churchman, Executive Director for the Alabama Environmental Council, explained: "What happened here is that some of Alabama's polluters convinced regulators to relax a rule that had been on the books for 30 years – only after citizens sued to enforce that rule. Today, the EPA recognized that was the wrong decision. Technology is used all over the country to better control emissions and should be required to operate continuously in Alabama. I believe that today's action will significantly help clean up the state's air and protect public health. And, at a time when many see the environment competing with the economy, it is great to see EPA's recognition of no anticipated increase in cost of compliance for sources that were already in compliance with previous requirements."

"We are gratified that EPA has embraced public health and sound science, and rejected the prior unprotective rules," said John Walke, Clean Air Director for the Natural Resources Defense Council. David Muhly of the Sierra Club added: "The Bush administration rushed a dirty decision out the door just before leaving office to satisfy the demands of two of the biggest polluters in America. Alabama's residents deserve better, and we are optimistic that today's news signals the promise of healthier air."

Background:

The Birmingham area is failing to meet minimum federal air quality standards for fine particles (soot) and has been for seven years. These airborne, microscopic solids and liquid droplets (made up of acids, organic chemicals, metals, and other matter) can lodge deeply in the lungs and bloodstream, aggravating a number of cardiopulmonary diseases. Several years ago, frustrated citizens brought legal action against some power plants, alleging violations of Alabama's smoke control laws. In response, utility and industrial groups lobbied the state and federal government heavily to relax these laws, succeeding on their third attempt when the Bush administration succumbed to industry pressure in 2008. In a lawsuit brought by GreenLaw, four environmental advocacy groups, Alabama Environmental Council, Natural Resources Defense Council, Our Children's Earth Foundation, and Sierra Club, challenged the action. The federal court decided to allow EPA to reconsider its earlier decision, and, today EPA rejected the rule relaxation.

EPA web announcement: <http://www.epa.gov/region4/air/sips/index.htm>

AL Visible Emissions Rule Final Reconsideration Fact Sheet: <http://tinyurl.com/EPAOpacityFactSheet>



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“There is a demonstrated link between fine particle pollution and asthma in children,” said Tiffany Schauer, Executive Director of Our Children’s Earth Foundation. “Thanks to today’s action, every family in Alabama can breathe a little easier.”

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