



Our Children's Earth Foundation | 100 First Street, Suite 100-367, San Francisco, CA 94105

NEWS RELEASE

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ENVIRONMENTAL AND PUBLIC HEALTH GROUPS ASK COURT TO BLOCK EPA'S WEAKENED "DON'T ASK, DON'T TELL" AIR POLLUTION MONITORING RULES

*Industry-Favored Rules Would Gut Clean Air Act Monitoring of Polluters;
Suit Decries Lack of Public Input, "Phony Settlement" of Failed Industry Lawsuit*

Washington, D.C --- Seven environmental and public health groups, including a San Francisco-based group, today filed a lawsuit in the D.C. Circuit Court of Appeals to block implementation of controversial, industry-backed rules from the U.S. Environmental Protection Agency (EPA) that would weaken pollution monitoring standards and lead to increased emissions of mercury, sulfur dioxide and other toxic pollutants linked to childhood diseases, heart disease and premature death.

EPA's rules would allow polluters to monitor themselves and to do so as infrequently as twice every five years, according to the lawsuit filed by the Our Children's Earth Foundation, Environmental Integrity Project, Sierra Club, Natural Resources Defense Council, Physicians for Social Responsibility, Clean Air Council, and the Northwest Environmental Defense Center.

"The Bush Administration has consistently caved in to industry allowing companies to dictate what the rules should be without regarding the consequences to public health," said Tiffany Schauer, executive director of Our Children's Earth in San Francisco, CA. "This is just another example of the EPA making a backroom deal to weaken air laws."

EPA's new rule, announced on January 22, 2004, eliminates the requirement that air permits for large air emission sources must contain enough monitoring provisions to allow the public and regulators to determine whether or not the sources are complying with the law. The EPA decision to allow this inadequate monitoring was made despite the fact that numerous scientific studies over the past year have confirmed the links between air pollution and deaths, asthma and other lung diseases, strokes and heart attacks.

"The problem is simple: Inadequate monitoring results in higher emissions," said Eric Schaeffer, director of the Environmental Integrity Project. "The Clean Air Act requires monitoring sufficient to assure compliance; EPA is replacing that with a 'don't ask, don't tell' policy for air pollution."

EPA agreed to adopt its new rule weakening monitoring requirements in order to settle a lawsuit brought by power plant and auto manufacturing associations challenging EPA's monitoring rules. An almost identical suit by many of these same industry associations was thrown out of the D.C. Circuit Court of Appeals last year. Yet instead of fighting this suit, EPA simply agreed to change its interpretation of the rules as desired by industry, gutting the monitoring requirements.

The monitoring requirements at issue in the lawsuit over the EPA rule are included in Title V of the federal Clean Air Act. Title V requires permits that include monitoring "sufficient to assure compliance with the permit terms and conditions." Traditionally, EPA has interpreted this requirement to mean monitoring must be frequent enough and reliable enough to detect any noncompliance.

The full text of the lawsuit filed by the seven groups and related background documents are available online at <http://www.environmentalintegrity.org>.

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