

Box 95-9



Chamber of Commerce of the United States

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June 3, 1977

TO: MEMBERS OF THE SENATE

FROM: Hilton Davis, Vice President
Legislative Action *H.D.*

SUBJECT: CLEAN AIR ACT AMENDMENTS, S. 252

When the Senate considers this legislation, one of the more controversial subjects will be contained in Section 6, which deals with the policy of "no significant deterioration," sometimes referred to also as "non-degradation."

The National Chamber opposes this policy, which affects areas wherein air quality is better than required by national health and welfare standards. We believe application of the policy, as set forth in Section 6, will obstruct reasonable industrial development in many parts of the nation.

Enclosed is a booklet containing 107 articles and editorials from newspapers across the country -- all of which share our concern about the potential adverse impact of a rigid non-degradation policy on the economic growth that's essential to accommodate the needs of our growing population. I hope you'll examine some of these articles, especially those from your state or your part of the country.

Also, I hope you will agree with us that some moderation of Section 6 is vitally necessary if we are to achieve both economic growth and cleaner air. We should not sacrifice one for the other -- but rather pursue a balanced course that places both objectives within reasonable reach.

If you or your staff have any questions about this crucial issue, please phone Gary Knight of our staff at 659-6175.

Enclosure

Box 95-9

MEMBERS OF THE CONGRESS, "CLEAN AIR" AS SEEN BY YOUR HOMETOWN NEWSPAPERS

This booklet is a collection of newspaper stories and editorials which are generally critical of the policy of "significant deterioration," contained in amendments to the Clean Air Act of 1970.

Proponents of this policy argue that opposition to the establishment of such a national program comes solely from the business community. After you see what your own hometown newspapers have said about such a policy, we think you will know different.

Published as a public service by the Chamber of Commerce of the U.S. Contact Gary D. Knight (202)659-6175 for further information.



Future Growth vs. Clean Air

The U.S. Chamber of Commerce apparently is ready to go to legislative "fist city" with environmental groups over proposed amendments to the federal Clean Air Act of 1970 which the Chamber says will "inflict a no-growth economic policy on the nation simply by using air quality as a pretext."

Naturally, this is an issue of nationwide scope, but any changes Congress makes in the Clean Air Act will significantly affect Arkansas, particularly our northwest section.

What disturbs the U.S. Chamber are proposals that would allegedly set aside large areas of the nation as clean air preserves in which only limited development would be permitted. Since it is an organization that is in the business of supporting the nation's economic growth, this is an understandable concern. However, in a news release distributed nationwide, the Chamber describes the proposed changes in very strong language: "It is not a matter of cleaning dirty air; it is a matter of arbitrarily deciding the air already relatively clean should be left undisturbed regardless of the cost in future jobs or the fact that many poverty areas would be forever doomed to stay poor."

Under the present clean air policy, the Environmental Protection Agency (EPA) drew up regulations dividing the nation into three categories: Class I, consisting of aesthetic and scenic areas, such as national parks and forests, where no development would be permitted; Class II, where limited development would be permitted, and Class III, where states could permit development necessary to provide jobs and economic security as long as air quality standards are met. According to the U.S. Chamber's information, the EPA is still waiting for more "congressional and judicial clarification" before implementing these new rules.

What really disturbs the national Chamber is apparent efforts to tighten these controls even more by eliminating Class III and adding more restrictions in Class II. These proposals would supposedly remove large chunks of land which have the potential for future development, which might not be all bad. To stress its point the U.S. Chamber is distributing a map illustrating how 60-mile radius buffer zones would be established, within which clean air could not be disturbed.

In addition to affecting probably 80 per

cent of Arkansas (including the northern and western sections), the map indicates that virtually all of 11 western states would be permitted "development" as defined by proposals before the Senate subcommittee on Environmental Pollution. Many other areas in the Mississippi River Valley, the South and mountain regions of the East would also be covered.

"The effects of such extreme federal policies on our future economy could be devastating," says the U.S. Chamber. "From the standpoint of many communities the issue means jobs and economic progress vs. economic stagnation."

At this point it should be noted that the U.S. Chamber's viewpoint represents one extreme of the debate. The "environmentalists" the Chamber criticizes represent the other extreme, and they have a right to state their case.

But even after the other side has had its say, the public will still not be informed as to how it is affected. What limits, for example, would the proposed amendments to the Clean Air Act place on Northwest Arkansas? What specific types of industries would be banned from this area and others like it that still have clean air to breathe? Are the proposed new restrictions something we can live with while trying to keep the economy bolstered? Or will they actually create an economic depression for an area like Northwest Arkansas that is relatively free of air pollution?

These are questions that members of Congress should answer for their constituents before any legislation gets to the floor of either house. They are legislating the one free commodity that belongs to every citizen, and if there was ever a topic for national debate, this is it.

Quite frankly, we have no desire to see Northwest Arkansas' clean air fouled like that of industrial areas in the North and East. If any industries that contribute to these conditions come to Arkansas they should be required to protect what we consider to be our greatest asset. That goes along with Gov. David Pryor's current philosophy in seeking new industry for the state. He wants it, but he is already telling any prospects they will not damage our environment.

Until the public knows the full ramifications of amendments to the Clean Air Act we will have to take the U.S. Chamber's reaction with a grain of salt.

OCT 29 1975

Clean Air Act amendments extreme

The map is shocking. Areas of white — designating regions where development of new manufacturing plants, housing and farming would be prohibited — cover most of the country.

The map appears in the U.S. Chamber of Commerce Oct. 20 "Washington Report" in connection with proposed amendments to the Clean Air Act of 1970. All of Colorado, except for a strip in the eastern part of the state whose western edge, roughly speaking, would be near New Raymer, Wiggins and Deer Trail, is in white, or off limits to development.

The incredibly stringent amendments to the act are being pushed, of course, by extreme environmentalists, who achieved an earlier victory when federal courts ruled that under the act, air quality in undeveloped areas may not be significantly lowered by new development, though it poses no threat to health or welfare.

Passage of the Clean Air Act had widespread support, including that of business and industry. Most people, especially those in urban areas, where cars and industrial plants were causing heavy air pollution, could see the urgent need for regulating emissions.

Regulations drawn up by the Environmental Protection Agency (EPA) to carry out the act provided, among other things, that the country would be divided into three categories, as follows:

Class 1 — Aesthetic and scenic areas, including national parks and national forests, where new development would be banned.

Class 2 — Areas where limited development would be permitted.

Class 3 — Areas where states could permit development necessary to provide jobs and economic security so long as air quality standards were met.

But Senate Subcommittee on Environmental

Pollution now proposes much tougher regulations. It would abolish Class 3 and tighten restrictions in Class 2. Any doubts about Class 1 were eliminated by specifying by name national parks, national wilderness areas and national wildlife areas over 1,000 acres which automatically become restricted areas. States would be permitted to add to the list national forests, monuments, lake shores and military reservations.

The U.S. Chamber reports that at least 80 per cent of many states would be off limits to new development under Class 1 restriction. This proposed restriction would account for most of Colorado being closed to development, because of its national parks and national forests.

It further reports that because air masses are mobile, EPA takes the position a major source of pollution affects a pristine area 60 to 100 miles away. Thus it would establish 60-mile buffer zones where clean air could not be disturbed. Not all of eastern Colorado would be open to development, therefore, because a buffer zone would be drawn around Bent's Old Fort National Historical site in the southeastern part of the state.

"It is not a matter of cleaning dirty air; it is a matter of arbitrarily deciding that air already relatively clean should be left undisturbed regardless of the cost in future jobs or the fact that many poverty areas would be forever doomed to stay poor."

The nation must control air pollution. This task is too vital to be hampered by extreme measures, such as the proposed amendments, that create opposition. The U.S. Chamber says the effects of such extreme federal policies on our future economy could be devastating. Judging the amendments on the basis of what the Chamber tells us, we would say the effects would be something more like catastrophic.

Our Environment

Clean Air Sabotage

By EDWARD FLATTAU

THE U.S. Chamber of Commerce has been making some highly questionable assumptions in denouncing part of the Clean Air Act as a thinly disguised "no growth" federal land-use plan.

Target of the Chamber's attack is the law's provision which bars significant deterioration of air quality in areas which are considerably cleaner than national ambient air standards. Congress is currently marking up an amendment which would clarify and reaffirm this "prevention of significant deterioration" provision, upheld by the U.S. Supreme Court three years ago.

Chamber representatives contend that "protecting cleaner than clear" air is prohibitively expensive proposition which would have the effect of halting just about all economic growth.

Moreover, they say, the provision has no vital justification since it would restrict the level of pollutants well below national standards enacted to protect public health.

To publicize its position, in October the chamber issued to its multitudinous outlets across the country a press release which at this writing remains its official position. The flyer proclaims that according to a recent Environmental Protection Agency (EPA)—Federal Energy Administration (FEA) report, the pending congressional legislation would place 68 per cent of the nation off limits for development; and if the states exert all the power delegated to them, the percentage could rise to as high as 83 per cent. Development would come to a standstill not only in large land areas but also in 50- to 100-mile buffer zones which surrounded them. New power plants would have to be concentrated near large population centers where the air was already relatively dirty.

Some of these dire projections were contained in the EPA-FEA report, but only within the highly qualified and unlikely context that power plants with the maximum capacity for polluting were built and operated with the minimum amount of controls:

What the chamber failed to mention was the federal report's conclusions that under the pending "significant deterioration" legislation:

—Only 4 per cent to 6 per cent of the country would be excluded from development, and this area would be comprised of national parks and forests.

—All of the 75 to 83 power plants projected for construction throughout the country would be able to proceed, provided they utilized the best available pollution control technology (BAT). Even in areas where power plants might not be allowed, other less-polluting forms of development would be permissible.

—A large power plant with BAT could be built as near as six miles to a nondevelopment zone such as a national park.

A chamber spokesman responded that utility industry studies indicated there would be a 30 per cent increase in electric power costs passed on to the consumer if "nondegradation" of clean air were enforced. This clashes with soon-to-be-released EPA-FEA data which find that the average resident's electricity bill would experience an annual increase of no more than \$9 by 1990.

The proposal being considered by Rep. Paul Rogers' (D-Fla) House subcommittee protects our remaining large wilderness tracts from air quality deterioration, and in other "clean" regions gives the states discretionary authority to raise pollution levels up to 75 per cent of the lowest ambient air standard for the area. The EPA administrator is stripped of much of his power to override state decisions—a feature neither present in the Senate version nor appreciated by environmentalists.

Yet the chamber makes no mention of this major concession and indeed does not distinguish between the Senate and House bills and present regulations. It seems intent on eliminating any restriction against dirtying cleaner-than-legally-necessary air despite mounting evidence that, from a public health standpoint, the national ambient air quality standards may be too lenient.

OCT 3 0 1975

Bjork

Clean air act won't halt growth, official believes

The assistant director of the state Pollution Control Agency (PCA) Wednesday said in Duluth that clean air legislation being considered by Congress would not "put a lid" on Northeastern Minnesota industrial development.

Ron Way, Roseville, took issue with a special report of the U.S. Chamber of Commerce, which recently warned that amendments proposed for the federal Clean Air Act of 1970 could have an adverse effect on all areas of the nation.

Stephen E. Wooley, Minneapolis, a program manager for the Chamber's Northwestern Division, said the proposed legislation being considered by the U.S. Senate "could have severe impacts on business, community development, and general settlement patterns."

Way said the PCA presently has no plans to designate any area in the state so as to preclude industrial development.

He appeared at a luncheon meeting of the Metro Duluth Economic Development Association in Hotel Duluth.

The 1970 act was designed to control the nation's air pollution by controlling emissions in developed areas of the country.

However, environmental groups sought and won a court action requiring the U.S. Environmental Protection Agency to enforce provisions of the law in undeveloped areas as well.

EPA in response to the court's order promulgated regulations which became effective last Jan. 6. These regulations are built around the designation of areas in a state as Class 1, 2 or 3.

The states were authorized to designate certain aesthetic or scenic areas as Class 1 after a public hearing. Such an area would be protected by a buffer zone, with restricted industrial development.

The U.S. Chamber said in its report that the combination of Class 1 plus the buffer zones means that about 70 to 80 per cent of the land areas of most states would be precluded from any new development.

Way said Minnesota's Voyageurs National Park and the Boundary Waters Canoe Area likely would be designated as Class 1.

All undeveloped land areas within the states—which continuously met the national ambient air standards—were classified by EPA as Class 2 areas.

Limited development could take place

in these areas provided "best available" emission control technology is used.

The limit on this development would be reached when the air in the area exceeded allowable increments of either of two pollutants—sulphur dioxide or suspended particulates.

EPA regulations also allow a state to redesignate, after a public hearing, certain areas which it would like to see developed as Class 3. The development could take place as long as national primary and secondary air standards were not violated.

The U.S. Chamber pointed out that a Senate subcommittee eliminated the Class 3 designation from the measure in Congress and removed all doubt about which areas would be Class 1.

The subcommittee listed national parks, national wilderness areas and national wildlife areas for this designation.

In addition, national forests, national monuments, national lakeshores and seashores, and military reservations could be designated as Class 1 at the state's discretion.

The U.S. Chamber said there are "discouraging indications" that the House subcommittee may be moving in the direction of the Senate subcommittee's lead.

ST. MARY'S, PA.
PRESS
D. 4,500

OCT 17 1975 *Byfaller*

CLEAN AIR, BUT STARVING

Did you read the article we had in the paper the other day about the environmentalists and the Clean Air Act? The U. S. Chamber of Commerce really laid it on the line.

It is another of those horrible examples whereby a government agency gets its foot in the door and then there is no end to it making and enforcing regulations, some of which are not even human. And as far as them having any common sense, you might just as well forget about it.

Can you imagine a poverty stricken area of the country being denied an industry because it might pollute the air a little? We can't for the life of us see any sense in such rigid regulations. In our book an odor from industry means employment and that in turn means the area has a good economy. There are times when the odor may be a "little offensive," but when one considers the people on the payroll, the odor gets a little "sweeter."

There were, we admit, excess odors in the nation in the past and just about all of this has been cleared up, but the environmentalists are not satisfied. They have tasted the fruits of victory over industry and they want more. They are not satisfied with the initial killing, they want more than blood, they want life too.

We are in a recession and a great many people are living off of various types of government aid, but that can't go on forever. A government can't continue to spend more than it takes in. There has to be a limit to the amount of debt and we are already past that point. The national public debt for 1974 was over \$475 billion and that means that each person's share in a per capita ratio is \$2,241.81. Thus the moment a child is born in this country the infant is already over two thousand dollars in the hole. Does that make sense to you? Not to us.

According to the map St. Marys and area would be denied the right to have any new developments in industry. Our air quality is already beyond the pure air requirements by the national agency. We think their gauge needs an adjustment.

There are indications that the Clean Air Act wants to establish buffer zones of 60 mile radius in which the clean air could not be disturbed. That would automatically take care of the proposed energy park at Clermont in McKean County. The area would be off-limits for such a generating station. In fact that 60 miles would just about take care of anything in the entire state of Pennsylvania.

Some of this is still talk, but the environmentalists seem to have won the sympathy of the congressmen and have been doing rather well in getting their ideas transformed into rules and regulations.

It is time we start looking into the cost of this Clean Air Act and what it has done, and will do, to the economy of the entire nation. We can't manufacture without electricity and we have to burn coal to create the electric power. They talk of natural gas shortages and the nation can't look to that industry for too much help at the present time. Other types of manufacturing requires steam and it takes heat to change water into the steam and if natural gas is not available, then coal is the only alternative. Coal fires make smoke. Smoke violates the law. Thus we can wind up without manufacturers and also without paydays for most of the nation.

Today, we are told, it takes three working persons to pay the Social Security of one. With the possibility of more unemployment facing the nation, who is going to be the wage earners to pay the nation's debts and welfare aid systems? We will all have to live off of "Clean Air". That diet will kill the nation's population in a hurry.

As a nation, we are regulating ourselves out of any and all means of existence. We will probably starve to death, but at least we will be doing it with clean air. That is one satisfaction we won't have to wait for disease-ridden air to do the job.

It is time the legislators in Washington wake up. Time is getting short.