



### *This Week in Review – July 26-30, 2004*

**(1) GAO Advocates Better Assessment of Wildfire Impacts (July 26, 2004)** – The Government Accountability Office (GAO) released a report concluding that the U.S. Forest Service and Interior Department should improve their assessment of how wildfires affect air quality, endangered species, soil erosion and other conditions. At the request of nine senators, GAO surveyed the evaluation of 20 wildland fires and determined that the Forest Service and Interior Department's Bureau of Land Management should "systematically assess the risks across landscapes that fires pose to different environmental resources or ecosystems or the risks of taking no action on fuel reduction projects." In *Wildland Fires: Forest Service and BLM Need Better Information and a Systematic Approach for Assessing the Risks of Environmental Effects* (GAO-04-705), GAO notes that specific information and data are collected on individual fires, but concludes that the broader impacts of forest fires should also be assessed in order that allocations under the National Fire Plan and the Healthy Forests Restoration Act take into account the full range of conditions and land areas affected by wildfires. [For further information: [www.gao.gov/new.items/d04705.pdf](http://www.gao.gov/new.items/d04705.pdf)]

**(2) Study Links Sprawl and Traffic to Health Problems (July 29, 2004)** – In a new report, the Sierra Club points to 24 scientific studies linking motor vehicle pollution to health problems and concludes that public policy changes are needed to increase public transit and promote walkable communities. For example, a recent study in Denver shows that children who live within 250 yards of a road with 20,000 or more vehicles per day are eight times more likely to get leukemia and six times more likely to get other cancers. In *Highway Health Hazards*, the Sierra Club recommends that the federal government work with state and local governments to promote smart growth, reduce sprawl and increase transportation choices in order to reduce motor vehicle pollution in urban areas. The Sierra Club also makes specific recommendations for resolving transportation issues in California, the District of Columbia, Illinois, Nevada, New Hampshire, Ohio, Texas, Utah and Wisconsin. [For further information: [www.sierraclub.org/sprawl/report04\\_highwayhealth](http://www.sierraclub.org/sprawl/report04_highwayhealth)]

**(3) EPA Proposes Amendments to Coke Oven Batteries MACT (July 29, 2004)** – EPA has issued its first rule under the residual risk requirements of the Clean Air Act, setting more stringent requirements for certain by-product coke oven batteries to address health risks remaining after implementing EPA's October 1993 emissions standards. This proposal would also amend the 1993 standards for emissions of

hazardous air pollutants from non-recovery coke oven batteries. The proposed amendments would apply to coke oven emissions from nine batteries at five coke plants. EPA's 1993 emissions standards require these facilities to utilize maximum achievable control technology (MACT) to reduce toxic air emissions. [For further information or to download a copy of the proposed amendments: [www.epa.gov/ttn/oarpg](http://www.epa.gov/ttn/oarpg) or contact Lula Melton at (919) 541-2910 or via e-mail at [melton.lula@epa.gov](mailto:melton.lula@epa.gov)]

**(4) Court Grants EPA Request to Extend Deadline for Issuing Final PM Criteria Document (July 26, 2004)** – The U.S. District Court for the District of Columbia granted EPA's request to extend the deadline for issuing the final criteria document for particulate matter (PM) from July 30, 2004 to October 29, 2004, providing EPA three additional months to complete the document. In the case of *American Lung Association v. Michael O. Leavitt* (Civ. Action No. 03-778), EPA entered into a consent decree with the American Lung Association and environmental groups; the agreement includes deadlines for the agency to meet in the course of its review of the PM and ozone standards. Although EPA sought an extension for issuing the final PM criteria document, the agency did not request a change in the deadlines by which it is to propose and finalize revisions to the PM and ozone NAAQS. A status conference in the case is set for September 9, 2004.

**(5) Appeals Court Vacates EPA Rule Listing Acceptable Ozone-Depleting Substances (July 26, 2004)** – The U.S. Court of Appeals for the District of Columbia ruled that EPA improperly considered potential economic impacts when it promulgated a rule authorizing as substitutes for a certain hydrofluorocarbon (HCFC), HCFC-141b, the use of two ozone-depleting chemicals, HCFC-22 and HCFC-142b. The rule was challenged by Honeywell, which manufactures HFC-245fa, another approved substitute for HCFC-141b. The court also ruled that because Honeywell challenged EPA's statutory authority to issue the rule, section 307 of the Clean Air Act (CAA), rather than the Administrative Procedures Act, governs the remedy; CAA section 307 only allows a court to vacate, rather than remand, a rule that is successfully challenged. Honeywell argued that EPA improperly considered the economic impact of not approving HCFC-22 and HCFC-142b as substitutes (i.e., that businesses would be hurt economically if they couldn't use these substitutes). EPA responded that its decision was based on technical considerations, not economic ones, but the court said that embodied within those technical considerations were economic considerations. For example, EPA noted that it was necessary to "level the playing field for small businesses," and that those businesses might face "constraints associated with cost and timing of transitioning to alternatives," a justification that clearly considers costs, said the court. Because EPA failed to advance any argument as to why it is lawful for EPA under the Clean Air Act to consider costs when authorizing ozone-depleting substitutes, the court could not rule on the reasonableness of that interpretation. Thus, having agreed with Honeywell that EPA based its decision in part on economics, the court vacated the rule. [For further information: [pacer.cadc.uscourts.gov/docs/common/opinions/200407/02-1294a.pdf](http://pacer.cadc.uscourts.gov/docs/common/opinions/200407/02-1294a.pdf)]

**(6) EPA Awards Grant to Study Link Between Air Pollution and Cardiovascular Disease (July 29, 2004)** – EPA is providing the University of Washington with \$30 million to study the connection between air pollution and cardiovascular disease. The grant is the largest ever awarded by EPA for scientific research and will contribute to a better understanding of the long-term effects of breathing air contaminated by fine PM (PM<sub>2.5</sub>) and other pollutants. The University of Washington will study the effects of air pollution on 8,700 people aged 50 to 89 over a ten-year period, to see what link there is between the participants' exposure to PM<sub>2.5</sub> and the incidence of cardiovascular disease. [For further information: [www.epa.gov/pmresearch/pm\\_grant/](http://www.epa.gov/pmresearch/pm_grant/)]

**(7) International "Methane to Markets Partnership" Launched (July 29, 2004)** – The U.S. will work with Australia, India, Italy, Japan, Mexico, the United Kingdom and the Ukraine to develop and promote cooperation on the recovery and use of methane, a GHG. The "Methane to Markets Partnership" will focus on deploying cost-effective technologies in landfill gas-to-energy projects, methane recovery projects at coal mines and improvements in natural gas systems. The U.S. will commit up to \$53 million over the next five years to facilitate the development and implementation of methane projects in developing countries and countries with economies in transition. [For further information: [www.epa.gov/methane/international.html](http://www.epa.gov/methane/international.html)]

**(8) EPA Administrator Appoints New Chief of Staff (July 30, 2004)** – EPA Administrator Michael Leavitt selected Rich McKeown to serve as his chief of staff, replacing Tom Gibson, who will leave his position August 7, 2004. McKeown has served as Senior Counselor to the Administrator since joining the Agency in November 2003. McKeown served as Governor Leavitt's Chief of Staff in Utah from 1999 to 2003. [For further information: [www.epa.gov/newsroom/](http://www.epa.gov/newsroom/)]

### *The Week Ahead*

- EPA Public Hearing on Reconsideration of Equipment Replacement Rule, in Durham, North Carolina – August 2, 2004

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