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U.S. Environmental Policy

***The Legislative History of U.S. Federal Air Pollution Regulation***

**Historical Overview**

For the majority of the 20th century, clean air regulation was considered the domain of state or local governments. With the increased industrialization of the United States, especially after WWII, more and more people were exposed to air pollutants. This prompted legislative action on the federal level. Thus, the Air Pollution Control Act of 1955 was enacted. This essentially created a fund for states to aide states in dealing with increased problems of air pollution. Due to lack of regulation at the state level, improvements were minimal however. Environmental issues started receiving major national attention for the first time in the early 1960’s, due largely to scientific evidence linking air pollution with health issues. The Clean Air Act of 1963 initiated funding for air pollution research programs. Following this, the Air Quality Control Act of 1967 systematically established air quality regulations on a multi-state regional basis throughout the nation. Environmental issues became most prominent with the 1970 Amendments to the Clean Air Act, the year in which the EPA was created, which introduced new national standards for air quality and statutory deadlines for compliance. While it was modified in 1977, the next major revision did not occur until 1990. The 1990’s brought attention to the issue of rising ozone levels, which prompted greater restriction on ground level ozone emissions in 1997. This was not without significant backlash from industry groups however. Since then, there has been attention on sustainable energy and energy efficiency as a means to reduce both environmental and financial costs. The Pollution and Costs Reduction Act is the most recent amendment to the Clean Air Act to be introduced. This would provide financial support to building owners to reduce emissions and increase energy efficiency.

***Major Legislation and Legal Decisions***

***84th Congress -***

**The 1955 “Air Pollution Control Act”**

This was the first bill adopted by congress to address the problems of air pollution. It still delegated primary responsibility of pollution control to the states, however. The act allowed the federal government to conduct research and distribute information relating to pollution control, but did not allow for any national provisions to combat the problem.

***88th Congress-***

**The 1963 “Clean Air Act”**

This legislation was most significant because it was the first to allow for a provision for civil suits, which was a huge victory for the general public. This increased funding for air pollution research programs. This also set emissions standards for stationary sources of pollution such as power plants and steel mills.

*91st Congress-*

**The 1970 Amendments to the “Clean Air Act”**

This act set standards for hazardous emissions, as well as for emissions from motor vehicles. It also allowed any citizen to take action against any entity, including the government, who violates these newly set standards. This amendment introduced four regulatory programs: NAAQS (National Ambient Air Quality Standards), SIP’S(State Implementation Plans), NSPS (New Source Performance Standards), and NESHAPS (National Emission Standards for Hazardous Air Pollutants). Most significantly, the EPA (Environmental Protection Agency) was established n 1971 in order to implement various requirements of the 1970 amendments.

*95th congress-*

**The 1977 Amendments to the “Clean Air Act”**

This provided provisions for the prevention of significant deterioration (PSD’s) of air quality in areas attaining the NAAQS (National Ambient Air Quality Standards), as well as to areas that did not attain the NAAQS. Additionally, the amendment established permit review requirements to ensure maintenance of the NAAQS.

*101st congress-*

**The 1990 amendment to the Clean Air Act**

This act raised the motor vehicle emissions standards that were set in the 1970 amendment. It also encouraged the use of alternative fuels as a means to reduce sulfur dioxide levels in the atmosphere. It also introduced new measures to phase out use of chemicals which deplete ozone,

***Recent Arbitration***

 In 2001, the federal judges ruled that the EPA does not have to consider implementation costs when creating clean air standards. The Supreme Court voted unanimously in favor of the EPA in this decision. This caused a major rift between EPA and industry officials. In a landmark 2007 decision, (Massachusetts VS. EPA), the government labeled greenhouse gases which contributed to global warming as pollutants. This also gave the EPA the power to regulate carbon emissions from new vehicles. Most recently, in 2010, BP agreed to pay $15 million in fines from violations stemming from a oil refinery in Texas City, Texas. This is the largest ever Clean Air Act recovery from a single facility. This prompted BP to spend almost $2 billion to bring the Texas facility in compliance and improve plant safety.

**Sources**

"Clean Air Act." *American Meteorological Society Home Page*. N.p., n.d. Web. 28 Feb. 2011. <http://www.ametsoc.org/sloan/cleanair/index.html>.

"EPA Fines BP $15 Million For Clean Air Violations." *Breaking News and Opinion on The Huffington Post*. N.p., n.d. Web. 28 Feb. 2011. <http://www.huffingtonpost.com/2010/09/30/epa-fines-bp-15-million-f\_n\_745913.html>.

"History | Clean Air Act | US EPA." *US Environmental Protection Agency*. N.p., n.d. Web. 28 Feb. 2011. <http://www.epa.gov/air/caa/caa\_history.html>.

"Massachusetts v. Environmental Protection Agency, U.S. Supreme Court Case Summary & Oral Argument." *The Oyez Project | U.S. Supreme Court Oral Argument Recordings, Case Abstracts and More*. N.p., n.d. Web. 28 Feb. 2011. <http://www.oyez.org/cases/2000-2009/2006/2006\_05\_1120/>.

"Supreme Court Upholds Broad Delegation of Power to EPA, and Rejects Consideration of Costs in Setting Health Standards." *www.reedsmith.com*. N.p., n.d. Web. 28 Feb. 2011. < http://www.reedsmith.com/library/search\_library.cfm?FaArea1=CustomWidgets.content\_view\_1&cit\_id=2548>.