

THE ACID DEPOSITION AND OZONE CONTROL ACT OF 1999 AND EPA'S ANALYSIS OF S. 172

Mr. MOYNIHAN. Mr. President, I rise today to express concern and dismay over the unwarranted delay of a critical analysis of S. 172, the Acid Deposition and Ozone Control Act. This analysis thoroughly documents the substantial benefits to be achieved, at comparatively insignificant costs, by passing S. 172. Unfortunately, we have received this information only after it is too late to coordinate the bill's passage this year.

I first asked the Environmental Protection Agency (EPA) to analyze the impacts of S. 172 in 1998. Specifically, EPA was asked to calculate the costs and benefits of the legislation with regard to effects on human health, environment and the business community. EPA completed the report in March, 2000 and submitted it to the Office of Management and Budget (OMB) for their review. Unfortunately, OMB withheld the analysis for six months despite the fact that co-sponsors in both the House and Senate requested the report's release in letters to Director Jacob Lew. We have EPA's report today because Representative DAN BURTON, Chairman of the House Committee on Government Reform, was willing to subpoena the report. I am disappointed that this course of events had to occur.

Nonetheless, I am quite pleased with the results of EPA's analysis. Not only would S. 172 significantly improve visibility and the state of ecosystems sensitive to acid rain and nitrogen loading, but it would produce approximately \$60 billion in public health benefits annually and save 10,000 lives each year. All this for an additional cost to utilities of \$3.3 billion. What a tremendous service we could do to society by simply passing this legislation. If we don't, an epidemic could ensue. For example, according to EPA an DGAO, 43% of the lakes in New York's Adirondack Park will become acidified by 2040 even with the reductions mandated by the 1990 Clean Air Amendments.

As far back as the 1960s, fisherman in the Adirondacks began to complain about more than "the big one that got away." Fish, once abundant in the pristine, remote Adirondack lakes, were not just getting harder to catch—they were gone.

When I entered the Senate in 1977, there was much we needed to learn about acid rain. So I introduced the first Federal legislation to address our "knowledge deficit" about acid rain—the Acid Precipitation Act of 1979. My bill was enacted into law as Title VII of the energy Security Act, which Congress passed in June 1980. Title VII established the National Acid Precipitation Assessment Program (NAPAP), an interagency program charged with assessing the causes and damages of acid deposition, and reporting its findings to Congress. NAPAP spawned tremendous academic interest in the subject

of acid deposition, and our understanding of the subject has since developed substantially.

In 1990, I helped write Title IV of Clean Air Act Amendments, which established a "Sulfur Dioxide Allowance Program." Its creation represented a radical departure from the traditional "command and control" approach to environmental regulation, common at the time. This program was the first national, statutorily-mandated, market-based approach to pollution control. It has been immensely successful.

We can be proud of these accomplishments, but we have a long way to go yet. Since 1990 we have learned, for instance, that the sulfur dioxide (SO_2) emissions reductions required under the Clean Air Act Amendments of 1990 are insufficient to prevent continued damage to human health and sensitive ecosystems. NAPAP has reported that forests, streams, and rivers in the Front Range of Colorado, the Great Smoky Mountains of Tennessee, the San Gabriel and San Bernardino Mountains of California are also now showing the effects of acidification and nitrogen saturation. We have learned that nitrogen oxides (NO_x), which we largely ignored nine years ago, are significant contributors to our nation's air quality deficiencies. And finally, we have demonstrated that legislation containing regulatory flexibility and market incentives is highly effective.

S. 172, which I first introduced with Senator D'Amato in 1997, seeks to build upon this new body of knowledge, combining the best and most current scientific evaluation of our environmental needs with the most effective and efficient regulatory framework. Today, S. 172 is cosponsored by Senators SCHUMER, JEFFORDS, LIEBERMAN, REED, DODD, KERRY, FEINSTEIN, LAUTENBERG, KENNEDY, BOXER, and WYDEN. In the House, the bill is sponsored by Representatives BOEHLERT and SWEENEY, and co-sponsored by 48 House Members.

These are my final days in this great legislative body, and I will surely cherish the accomplishments we have made through the years. Today, I ask my friends and colleagues to continue the push to protect our nation's public health and environment from critical pollutants such as nitrogen oxides, sulfur dioxide, mercury and carbon dioxide. It is my understanding that the able Chairman of the Environment and Public Works Committee, Senator BOB SMITH, has indeed made this commitment and I commend him for it.

As I mentioned before, I am disappointed that the release of important information regarding the effects of S. 172 was withheld for so long. However, now that we have this information, we must act upon it and pass legislation that goes beyond our clean air achievements so far. The SO_2 Allowance Program established by the Clean Air Act Amendments of 1990 has achieved extraordinary benefits at costs less than half of initial projections. The efficacy

of the approach is proven. The science indicates that we did not go far enough. The Acid Deposition and Ozone Control Act endeavors to build upon our accomplishments, and to begin the work which remains to be done.

Mr. President, I ask unanimous consent that my remarks and two recent articles on this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Poughkeepsie Journal, Sept. 20, 2000]

RELEASE STUDY ON ACID RAIN

Why is the government withholding documents that could shed light on how best to deal with the ravages of acid rain?

Remarkably, that's the case now involving a federal Office of Management and Budget report. The report likely shows a remedy put forth by Sen. Daniel Patrick Moynihan won't be too financially onerous on the utility industry, a leading cause of acid rain, according to the Adirondack Council. But it would better protect the environment, the environmental group states.

Acid rain occurs, in part, when polluting emissions from utility plants are carried in the wind hundreds of miles from their origin, often causing smog. They also can mix with water vapor, falling as the acid rain that kills lakes and aquatic life in the Adirondack and Catskill regions and elsewhere.

Council officials express concern the White House is putting the lid on the OMB study because it could show just how ineffective government efforts to curb acid rain have been. It also might demonstrate why more environmental regulations must be imposed on Midwestern utilities in particular, something that won't play well in those states right before the national presidential election.

"OMB is stonewalling while Adirondack lakes continue to die," said Timothy Burke, executive director of the council.

At issue are Moynihan's suggested changes to a federal program intended to convince power producers to run cleaner generating plants. Under the 1990 Clean Air Act, the Environmental Protection Agency program gives utilities a financial incentive by allowing them to sell pollution credits to other companies. The program has been fairly successful in New York, allowing utilities here to reduce pollution below the federal maximums and then sell unused pollution credits to out-of-state utilities. By purchasing the credits, some utilities can stay within EPA pollution guidelines and avoid huge fines. Thus it's more cost-effective for them to continue to buy the credits rather than make expensive alterations to their plants to cut emissions.

Problem is, many of these utilities are located in the Midwest and are believed to be major contributors to acid rain. This year, New York lawmakers took it upon themselves to close the loophole by passing a law prohibiting utilities in this state from selling credits to utilities in the Midwest. But that will only go so far to fight acid rain, unless other Northeastern states follow suit.

SOLUTION CAN'T WAIT ANY LONGER

And it's clear dramatic changes are needed soon. Hundreds of Adirondack lakes and streams have been killed by acid rain, and they'll never recover. And for years, environmentalists have projected that 40 percent of the lakes will be dead within 50 years. Most recently, the U.S. General Accounting Office, the independent investigative arm of Congress, said the Adirondacks have been socked

with so much acid rain, the fragile mountain soil can no longer soak up the pollutant nitrogen oxide. And that means the nitrogen oxide is flowing into Adirondack lakes at a more rapid rate than previously believed.

Moynihan and the rest of the state's congressional delegation are proposing a 50-percent cut in emissions beyond what's called for under the credit allowance program. They would do so by halving the amount of sulfur dioxide that can be produced through the purchase of one pollution credit. Before congressional leaders are willing to consider the measure further, however, they want to know the potential costs of the legislation. Fair enough. The Adirondack Council says the study will show the costs won't be astronomical to the utilities, pointing out they were greatly off base on their projections of how much the original allowance program would cost their businesses.

The Office of Management and Budget could shed light on this important matter. But the only way that will happen is if President Clinton shows sufficient political courage to order the study to be released. He should do so immediately.

[From the Albany, New York, Times Union, Oct. 4, 2000]

ACID RAIN BOTTOM LINE—A NEW EPA STUDY SHOWS JUST HOW AFFORDABLE IT IS TO FIGHT POLLUTION

How much would it cost to keep Adirondack lakes from dying from acid rain? How much to spare thousands of Americans who suffer respiratory illnesses caused by the smokestack pollutants that contribute to acid rain? New York Sen. Daniel Patrick Moynihan put those questions to the Environmental Protection Agency two years ago, as he and Rep. Sherwood Boehlert, R-Utica, struggled to push through strict new federal limits on emissions of nitrogen and sulfur that drift from power plants in the Mid-west and South and descend on the Northeast, causing health problems in populated areas and killing trees and aquatic life in the Adirondacks and other pristine regions.

Now, after an unjustified delay by the Clinton administration that some critics are attributing to election-year politics, the EPA report is finally public, thanks to a subpoena issued by the House Government Reform Committee. And the price tag turns out to be so affordable that any further delay in reducing smokestack pollution is indefensible. The bottom line: \$1. That is how little the average household monthly utility bill would rise if the Moynihan-Boehlert bill were law.

But time is running short. Congress has only a few days left to conclude its business this year, and there are no encouraging signs that lawmakers will give the Moynihan-Boehlert bill the prompt attention it deserves.

But they should. The EPA report not only makes a convincing case for stricter pollution controls, but it also spells out the benefits that the nation—not just the Northeast—stands to reap in return. In a cost-benefit analysis sought by Mr. Moynihan, the EPA pegs the benefits of reducing acid rain at \$60 billion, compared with \$5 billion that power plants would have to pay to meet the tighter emissions standards. That's a \$55 billion payback, as represented in savings on treating chronic bronchitis, reducing emergency room visits for asthma and eliminating 1.5 billion days of lost work each year because of respiratory illnesses. There would be scenic improvements as well as the atmosphere cleared over national treasures like the Adirondacks and the Shenandoah and Great Smoky Mountains national parks.

In the Adirondacks, the struggle is a life-and-death one. A recent Times Union series

found that without sharp new curbs on acid rain, half of the Adirondack lakes will no longer be able to support aquatic life in 40 years. Already it is too late to save some ponds and lakes that have been contaminated by nitrogen oxide. The pattern will continue unless prompt action is taken. As our series noted, state leaders and the New York congressional delegation have made a strong bipartisan effort to combat the problem. Now it is Congress' turn. No one state can stop acid rain on its own. But Congress can, and should, provide the necessary federal remedy. The EPA has just given 55 billion reasons to act now.

RAIL SERVICE ISSUES

MR. MCCAIN. Mr. President, I would like to discuss a subject of great importance to our nation and its economy, that is rail transportation.

Earlier today, a few of my colleagues expressed views alleging a failure by this Congress for not passing legislation to regulatorily address rail service and shipper problems. As Chairman of the Senate Commerce, Science, and Transportation Committee, I want to set the record straight concerning the work of the Committee to address service and shipper problems.

Since becoming Chairman of the Senate Commerce Committee, the Committee has held no less than six hearings during which rail service and shipper issues were addressed. Three were field hearings, one each in Montana, North Dakota, and Kansas. Three hearings were conducted here in the Senate at which the topic of rail service dominated the testimony and members' questioning. I also have publicly stated a willingness for the Committee to hold even more hearings.

Further, Senator HUTCHISON, the Chairman of the Surface Transportation Subcommittee, and I requested the Surface Transportation Board (STB) to conduct a comprehensive analysis of rail service and competitive issues. The STB is the federal agency which oversees rail service and other matters. The Board's findings are extremely important and they were widely discussed during our Committee hearings last year. In addition, earlier this year the Board announced it would conduct a proceeding to change its merger guidelines in recognition of the drastically changed rail industry dynamic that has transformed since the rail deregulation movement of the late 1970's and the 1980's. The Board announced its new guidelines proposal earlier this week and will be taking comments on the proposal through November 17.

Three very diverse bills concerning the STB's authorities have been introduced in the Senate and another bill was submitted in the House. However, to date no consensus on a legislative approach has been achieved. I have had the privilege to serve in Congress nearly twenty years and during that time I have learned that significant legislation is always the product of careful analysis and bipartisan compromise.

Pending rail legislation and the STB's future will be no exception.

My colleagues from North Dakota and West Virginia referred to a letter with 277 signatures seeking rail regulatory changes. I am in receipt of that letter. But I am also in receipt of literally hundreds of letters—letters from Governors, rail shippers, and others—strongly opposing any rail deregulatory efforts.

To allege the Senate Commerce Committee doesn't take the issue of rail service seriously is a gross misstatement. The fact is, and I will repeat it, there is no consensus. A bill supported by only five members is not a solution, but it does allow those sponsors to sound high and mighty about their good intentions.

In order to pass a bill and send it to the President, we clearly have a long way to go. But I remain optimistic, and as a deregulator, stand ready to support any proposal that fairly and safely balances the needs of shippers and carriers.

POLICE REFORM IN NORTHERN IRELAND

MR. DODD. Mr. President, yesterday, an op-ed on police reform in Northern Ireland written by my friend and colleague Senator KENNEDY appeared in the Washington Post. In that op-ed Senator KENNEDY very concisely and eloquently stated why it is so important that meaningful police reform happens in Northern Ireland. As all of our colleagues know full well, Senator KENNEDY has worked tirelessly to promote peace and reconciliation in Northern Ireland for many years. It has been an honor to work closely with him in that effort and I commend him for his leadership on this issue. Needless to say I agree completely with him that the recommendations of the Patten Commission must be fully implemented, to ensure a genuine new beginning for a police force in Northern Ireland that will be acceptable to the Catholic community.

I hope and pray that those who are currently playing a role in the legislative process in the British Parliament take time to reflect upon the thoughts expressed in this very important op-ed. I would ask unanimous consent that a copy of Senator KENNEDY's article be printed in the RECORD at the conclusion of my remarks. I would urge all of our colleagues to take a moment to read it when they have the opportunity to do so.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 4, 2000]

A POLICE FOR ALL IN N. IRELAND

(By Edward M. Kennedy)

This month Britain's House of Lords will have the opportunity to improve the flawed legislation approved by the House of Commons in July to reform the police force in Northern Ireland and give it the support and respect it needs from the Catholic community.