

## Facts and Myths: Global Warming and the Clean Air Act

Opposition talking points on the Clean Air Act and global warming have gained significant ground among opinion-shapers in the media and in Congress. These myths, left unchallenged, are putting the Clean Air Act seriously at risk.

*Myth: Congress never intended the Clean Air Act to be used for global warming.*

**Fact: Congress clearly intended the Clean Air Act to establish limits on *any* pollutant endangering public health and welfare.** Congress specifically included “weather” and “climate” in the definition of “welfare.” Congress wisely did not attempt to anticipate all the pollutants that would require limits in the future.

The U.S. Supreme Court specifically refuted this myth, advanced by the Bush administration:

The Clean Air Act's sweeping definition of “air pollutant” includes “*any* air pollution agent or combination of such agents, including *any* physical, chemical... substance or matter which is emitted into or otherwise enters the ambient air....” § 7602(g) (emphasis added). **On its face, the definition embraces all airborne compounds of whatever stripe, and underscores that intent through the repeated use of the word “any.”**

- Citation: *Massachusetts v. EPA*, 549 U.S. 497, 528-29 (2007), (<http://pol.moveon.org/cleanairact/massvepa.pdf>)

*Myth: President Obama would prefer to replace existing protections under the Clean Air Act with new law.*

**Fact: The Obama administration has argued for *building on*, not eliminating, the Clean Air Act’s provisions requiring limits on global warming pollution.** EPA Administrator Lisa Jackson directly refuted this myth in testimony before the Environment and Public Works Committee on the Clean Energy Jobs and American Power Act:

Senator Voinovich: I remember when we talked and you came in, you said that you would prefer that we deal with climate change through legislation rather than through the Clean Air Act. And I note in this legislation that it does not preempt the Clean Air Act. In other words, we’d have this legislation and we’d also have the Clean Air Act to contend with. Have you changed your position on that?

Administrator Jackson: I have not changed my position. My belief is that there is only one way to get economy-wide market incentives for reducing greenhouse gas emissions and that’s through new legislation. But **I also firmly believe that the Clean Air Act has value and that there are common-sense measures that can be taken under the Clean Air Act either in the absence of or with new legislation.**

Citation:

- “Climate Change and Energy Bill,” C-SPAN, October 27, 2009 (<http://www.c-spanvideo.org/program/289661-1> at minute 159:44)

*Myth: The Clean Air Act’s limits on global warming pollution are duplicative and unnecessary if Congress passes cap-and-trade legislation.*

**Fact: Market-based incentives for investment in clean energy would complement, not replace, smokestack- and tailpipe-specific standards on global warming emissions.** Congress followed this approach in the 1990 acid rain program, with excellent results:

“The argument has been made that with an overall cap or budget on greenhouse gas emissions, we should simply not care about the amount of emissions from individual sources or even entire sectors. This argument was rejected by Congress in the 1990 amendments to the Clean Air Act when it both enacted a cap on sulfur dioxide emissions from the electric power sector to combat acid rain, and retained the NSPS and NSR programs for the sources covered under the acid rain trading program. Those programs have jointly continued to function well to minimize emissions from new sources, thereby reducing pressure on the sulfur dioxide cap and demonstrating improved and less expensive means of emission reduction that can be used to reduce emissions from existing sources as well.”

Citations:

- “Testimony of David G. Hawkins Director of Climate Programs Natural Resources Defense Council before the Senate Energy and Natural Resources Committee,” December 2, 2009 (<http://pol.moveon.org/cleanairact/hawkins.pdf>)
- See also, “Why we need EPA GHG Regulatory Authority,” Law Offices of Matthew F. Pawa, July 2, 2009 (<http://pol.moveon.org/cleanairact/pawa.pdf>)

*Myth: Enforcement of the Clean Air Act’s limits on global warming pollution would harm the economy and drive up energy costs.*

**Fact: The Clean Air Act has a proven record of progress dating back to 1970.** In 1990, the Act was revised with overwhelming bipartisan support and signed into law by President Bush. The health benefits of the Clean Air Act exceed its costs by as much as a 40-to-1 ratio.

Citation:

- “The Clean Air Act works” Environmental Protection Agency, September 18, 2009 (<http://pol.moveon.org/cleanairact/caaworks.pdf>)