

**Comparison of “Clean Air Act  
Amendments of 2010” (S.2995) and Proposed Voinovich amendments**

	<b>“Clean Air Act Amendments of 2010” (S.2995)</b>	<b>Voinovich Amendments</b>
<b>Sulfur Dioxide</b>	<ul style="list-style-type: none"> <li>• Codifies Clean Air Interstate Rule (CAIR) for 2010 and 2011</li> <li>• Builds on Acid Rain national trading program</li> </ul> <p>National Caps</p> <ul style="list-style-type: none"> <li>• Beginning in 2012 – 3.5 million tons emission cap</li> <li>• Beginning in 2015 – 2.0 million tons emission cap</li> <li>• Beginning in 2018 – 1.5 million tons emission cap</li> <li>• Beginning in 2021 EPA may tighten the annual emissions cap</li> </ul> <p>*EPA has analyzed these provisions, and together with NOx provisions estimates that 3,500-9,000 lives would be saved by 2012; 4,200-11,000 lives saved by 2015; and 5,900-15,000 lives saved by 2020.</p>	<ul style="list-style-type: none"> <li>• Codifies Clean Air Interstate Rule through 2015 (p. 8)</li> <li>• Exempts Natural Gas and Oil from requirements (p 7)</li> </ul> <p>National Caps (p. 8-9) – establishes “more reasonable time schedule” by:</p> <ul style="list-style-type: none"> <li>• Delaying 2012 cap until 2015</li> <li>• Delaying 2015 cap until 2018</li> <li>• Delaying 2018 cap until 2021</li> <li>• Beginning in 2025 EPA may tighten the annual emissions cap but proposal severely constrains the circumstances under which the cap may be tightened</li> </ul> <p>Prohibits EPA from further reducing power plant sulfur dioxide until 2025. Prohibits downwind states from gaining relief from EPA against upwind power plant pollution.</p> <p>*Each additional year of delay foregoes EPA’s estimated number of lives saved and other extensive health benefits.</p>
<b>Nitrogen Oxides (annual)</b>	<ul style="list-style-type: none"> <li>• Codifies Clean Air Interstate Rule (CAIR) for 2010 and 2011</li> <li>• Creates two regional trading programs -- for the East and the West</li> </ul> <p>National Caps</p> <ul style="list-style-type: none"> <li>• Beginning in 2012* –1.90 million tons emission cap <ul style="list-style-type: none"> <li>○ East –1.39 million tons</li> <li>○ West –510,000 tons</li> </ul> </li> <li>• Beginning in 2015- 1.62 million tons emission cap <ul style="list-style-type: none"> <li>○ East –1.3 million tons,</li> <li>○ West –320,000 tons</li> </ul> </li> <li>• Beginning in 2020 EPA may tighten the annual emissions cap</li> </ul> <p>*EPA has analyzed these provisions, and together with SO<sub>2</sub> provisions estimates</p>	<ul style="list-style-type: none"> <li>• Codifies Clean Air Interstate Rule through 2015 (p. 8)</li> <li>• Creates two regional trading programs -- for the East and the West</li> </ul> <p>National Caps (p 16-18) - establishes “more reasonable time schedule” by:</p> <ul style="list-style-type: none"> <li>• Delaying 2012 cap until 2015</li> <li>• Delaying 2015 cap until 2018</li> <li>• Beginning in 2023 EPA may tighten the annual emissions cap but proposal severely constrains the circumstances under which the cap may be tightened</li> </ul> <ul style="list-style-type: none"> <li>• Prohibits EPA from further reducing annual NOx until 2023 (p 17-18)</li> <li>• Bases states’ NOx budgets on fuel-adjusted heat input- favoring the dirtiest fuels (such as coal) over cleaner</li> </ul>

	that 3,500-9,000 lives would be saved by 2012; 4,200-11,000 lives saved by 2015; and 5,900-15,000 lives saved by 2020	options (such as natural gas) *Each additional year of delay foregoes EPA's estimated number of lives saved and other extensive health benefits.
<b>Nitrogen Oxides (ozone season)</b>	<ul style="list-style-type: none"> <li>• Codifies Clean Air Interstate Rule (CAIR) for 2010 and 2011</li> <li>• EPA may, by 2020, and every 5 years thereafter, reduce ozone season NOx limits for both EGU and non-EGU stationary sources</li> </ul>	<ul style="list-style-type: none"> <li>• Codifies Clean Air Interstate Rule through at least 2019 for ozone season NOx (p.5)</li> <li>• Exempts electric generating units from further ozone season reductions until 2020, narrows standard for determining out of state impact (p 5-6).</li> <li>• EPA may, by 2020, and every 5 years thereafter, reduce ozone season NOx limits for <i>non</i>-power plant stationary sources only.</li> </ul>
<b>Air Toxics From Coal- and Oil-Fired Units</b>	<ul style="list-style-type: none"> <li>• Preserves existing Maximum Achievable Control Technology (MACT) standards for <i>all</i> air toxics, and directs EPA to cut mercury emissions from coal plants by at least 90% by 2015.</li> <li>• Maintains current EPA authority to regulate other toxic air pollutants such as lead, arsenic, hydrogen cyanide, chlorine, dioxins, chromium, benzene and heavy metals like nickel</li> </ul>	<ul style="list-style-type: none"> <li>• Replaces existing MACT authority for all air toxics with new authority for mercury only (from coal plants) and Nickel only (from oil plants): <ul style="list-style-type: none"> <li>○ Allows mercury trading</li> <li>○ Sets less stringent "alternative emissions standards" for mercury</li> <li>○ Delays mercury controls by 3 years</li> </ul> </li> <li>• Delays any regulation of other power plant HAPS for 10 years, with no requirement that these toxins ever be regulated.</li> </ul>
<b>Transport of Interstate Pollution</b>	Maintains Current Law	<ul style="list-style-type: none"> <li>• Prevents EPA from addressing interstate air pollution until: <ul style="list-style-type: none"> <li>• 2020 for seasonal ozone season NOx from power plants</li> <li>• 2025 for SO2</li> <li>• 2023 for annual NOx</li> </ul> </li> <li>• Creates new and burdensome standard for EPA to implement any such interstate pollution requirement (p. 23-24)</li> </ul>
<b>Allowance Distribution</b>	SO2— <ul style="list-style-type: none"> <li>• builds on acid rain trading program</li> <li>• provides for <i>auction</i> of allowances, increasing by 10%/year from 2018</li> <li>• EPA divides allocation of non-auctioned allowances between existing units and</li> </ul>	<ul style="list-style-type: none"> <li>• Eliminates NOx and SO<sub>2</sub> allowance auction provisions, except for a maximum of 3% of allowances, with auction proceeds allocated back to electricity generating units, provides remaining allowances free of charge,</li> </ul>

	<p>new units on “fair and equitable” basis</p> <ul style="list-style-type: none"> <li>allowances allocated annually</li> </ul> <p>NOx—</p> <ul style="list-style-type: none"> <li>Similar to SO<sub>2</sub> allocations, but provides for 10%/year increase of auctioned allowances beginning in 2014</li> <li>elimination of heat-input fuel adjustment factor that favors dirty coal</li> </ul>	<p>allows use of banked SO<sub>2</sub> allowances</p> <ul style="list-style-type: none"> <li>Requires use of “fuel adjustment factors” for NO<sub>x</sub> — favoring the dirtiest fuels (such as coal) over cleaner options (such as natural gas)</li> </ul>
<b>General Health Effects Provisions</b>	<p>S. 2995 recites well-established findings on the significant human health impacts associated with SO<sub>2</sub>, NO<sub>x</sub>, particulates and ozone.</p>	<ul style="list-style-type: none"> <li>Deletes all references to the health effects of any of the pollutants addressed in the bill, on the claim that “those findings ... overstate adverse health and environmental impacts of SO<sub>2</sub> and NO<sub>x</sub> emissions.”</li> </ul>