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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING
COMMITTEE ON LAW AND GOVERNMENT

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Room 696, City Hall
Philadelphia, Pennsylvania
Wednesday, April 16, 2003
1:15 p.m.

- - -

RESOLUTION 030082, authorizing the City Council
Committee on Law and Government to hold hearings to
investigate the state of air quality in Philadelphia
and to recommend ways and means to improve its air
quality, and therefore the health of all
Philadelphians.

- - -

PRESENT:
COUNCILMAN DAVID COHEN
COUNCILMAN ANGEL ORTIZ
COUNCILMAN FRANK RIZZO

- - -

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2 COUNCILMAN COHEN: The Committee on Law
3 and Government of the City Council of the City of
4 Philadelphia is now in Session to witness the
5 rebirth of the environmental action activities in
6 the City of Philadelphia.

7 I hope similar things will be occurring
8 throughout the nation, because I'm fearful that with
9 the lack of community activity throughout the
10 country and the lack of political participation, I'm
11 very fearful that the environmental movement has
12 taken a few bad hits. And with the current
13 Administration in Washington committed to profits
14 rather than to health, it is very likely that there
15 will be continued efforts such as the one we're
16 going to be dealing with today to weaken
17 environmental strength throughout the cities and
18 rural areas of the country.

19 It's urgent, in my judgment, and I think
20 in the judgment of those people who have convened
21 this hearing today to begin to get back to duties,
22 sort of. Not the military duty that, unfortunately,
23 no matter how you view it, tends to have an effect
24 of drowning out all other activities; but to the
25 activity of being good citizens and protecting our

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2 environment and making life better for ourselves,
3 our children, and our grandchildren. And if there's
4 any movement that affects the quality of life of
5 generations yet to come, the environmental movement
6 takes second place to nobody and no kind of force.
7 So that this rebirth of activity, this recognition
8 today of the harmful effects of President Bush's
9 efforts to weaken the Clean Air Act is very
10 important. It's important that the people of
11 Philadelphia understand that you don't leave to
12 Congress things that are considered national in
13 scope, because you never leave to any public
14 officials, local, federal, or state, important
15 decisions without giving them direction from the
16 people who are their bosses, and that's the people
17 throughout the country.

18 In this country, those of us who are
19 elected to office spend much of our time trying to
20 convince people that they have no rights and they've
21 elected us to do their thinking for them. The
22 reason we do that, of course, is it's to our
23 advantage to keep the public away from important
24 issues so we can make our deals, arrange for
25 campaign contributions to those that we think ought

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2 to get them, and to control government. That's not
3 the way it's intended in the Constitution of United
4 States. It is intended for the people to control
5 the elected officials and set directions for elected
6 officials and hold them to account.

7 So this is the beginning of the process
8 in the environmental field to say, we're tired of
9 steps backward. We want to improve. Because while
10 the environmental movement has been strong in the
11 past, it's never yet been strong enough to achieve
12 everything it should achieve, and we're now aimed in
13 the right direction.

14 So I welcome the request from the groups
15 that are assembled here today to hold a hearing on
16 this issue.

17 Before we call Mr. Fine, who will be the
18 first witness, I'm going to ask Tim Kearney, the
19 Legislative Director for the Law and Government
20 Committee, to read the title of the Resolution that
21 we're going to be considering.

22 MR. KEARNEY: Resolution 030082,
23 authorizing the City Council Committee on Law and
24 Government to hold hearings to investigate the state
25 of air quality in Philadelphia and to recommend ways

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2 and means to improve its air quality, and therefore
3 the health of all Philadelphians.

4 COUNCILMAN COHEN: And at the end of
5 hearing or hearings, whichever will be required to
6 cover the subject, this Committee will issue a
7 report for action by the City Council. And when the
8 City Council takes action, that will become the
9 official policy of the City of Philadelphia.
10 Because although the Mayor may deny it, City Council
11 is included in the Home Rule Charter and has rights
12 and concerns to deal with policy matters. As we
13 read the Home Rule Charter, it is City Council that
14 sets the policy for the City. And then it will be
15 our effort -- this is a warning to Mr. Fine, to know
16 that City Council will be watching him and his
17 department.

18 I want you to know that my experiences
19 with Mr. Fine have been very good in past years.
20 He's been a friend of the environmental movement,
21 and I'm sure he continues to be. But we've got to
22 give him and the Health Department and all the
23 environmental groups in the City the strong support
24 they deserve.

25 Mr. Fine, we're very happy to have you

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2 here in Council today. If you can come forward and
3 sit in the center chair that's open. You may have
4 with you anybody you want to, in addition. If
5 there's anyone here that you would like to have sit
6 with you at the table, please have them come, and
7 identify yourself by name.

8 The Chair notes the presence on my left
9 of Councilman Ortiz. But don't believe that
10 designation of who's on the right or who's on the
11 left. I reserve the left position for myself.

12 Mr. Fine, please go ahead, sir.

13 MR. FINE: Thank you very much. Good
14 afternoon, Councilman Cohen and Members of the Law
15 and Government Committee. My name is Morris Fine,
16 Director of Air Management Services, Department of
17 Public Health.

18 I would like to thank you for the
19 opportunity to present the Health Department's
20 comments on City Council's Resolution to investigate
21 the state of the air quality in Philadelphia and to
22 recommend ways to improve its air quality. My
23 comments will include our evaluation of EPA's new
24 and proposed rule changes to the New Source
25 Review program.

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2 COUNCILMAN COHEN: Mr. Fine, may I ask
3 you to speak more directly into the microphone?
4 Everybody can hear you now.

5 MR. FINE: My comments will include our
6 evaluation of the EPA's new and proposed rule
7 changes to the New Source Review Program, as well as
8 the Bush Administration's intended Clear Skies
9 legislation.

10 As Director of Air Management Service,
11 my responsibilities include implementing air
12 pollution control laws, regulations and activities
13 with the goal of achieving and sustaining clean,
14 healthful air for our citizens. Under the Air
15 Management Code passed in 1969, the Air Pollution
16 Control Board adopted regulations that have
17 contributed to remarkable reductions in emissions of
18 air pollutants from local industrial sources.

19 In addition, the Board also incorporated
20 key state and federal regulations, which enable Air
21 Management Services to operate as a
22 Pennsylvania-approved air pollution control agency
23 in Philadelphia. In this capacity, Air Management
24 Services has the authority to enforce provisions of
25 the Federal Clean Air Act and the Pennsylvania Air

During the course of the last three-and-a-half decades, there have been progressive and significant improvement in Philadelphia's air quality. In 1962 the air quality of Philadelphia was unhealthy to breathe for over half of the days on which it was measured. In 1987, 50 percent of the days measured were of good air quality. That number now consistently exceeds 70 percent. In the last several years the number of unhealthy days per year has significantly decreased to an average of 15. You can compare this to over 50 percent in 1962.

Prior to passage of the Air Management Code, the picture was much different than it is today. Residents in many of our neighborhoods found that cars they had washed in the morning would be covered with black soot by mid-afternoon. Buildings and public sculptures were subject to continuing erosive damage from industrial gases. Laundry hung outside to dry would often be in need of rewashing by the time it dried. People with asthma and lung conditions suffered needlessly much of the time.

Now, people with cardiovascular, asthma

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and other respiratory conditions are able to breathe easier and safely enjoy outdoor activities on more days of the year. And our property no longer sustains the continuing and often severe damage it once did.

This improvement in air quality has been the result of the Health Department's effective implementation of state, federal, and local regulations, which over the years has been marked by steady progress and the elimination of air pollutants.

Since the adoption of the Air Management Code and the passage of the Clean Air Act and its amendments, emissions of sulphur dioxide have been reduced by 94 percent. Particulate matter has been reduced by 93 percent. Carbon monoxide has been reduced by 61 percent. And nitrogen oxides and volatile organic compounds, precursors of ozone, has been reduced by 56 percent.

The reductions in these emissions would have been unattainable without underlying federal, state, and local legislation.

While the air quality in Philadelphia is better today than in recent memory, several

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challenges remain. The first major challenge is non-attainment for ozone and fine particulate, or PM 2.5. When air quality in an area does not meet the federal standards, that area is said to be in non-attainment. Philadelphia continues to remain classified as a severe non-attainment area for ozone, and we expect that the Environmental Protection Agency will make a similar designation for fine particulate, or PM 2.5, by next year.

Ground level ozone, the primary constituent of smog, is the pollutant most responsible for unhealthy air quality in the Philadelphia region. Ozone is a strong irritant to the eyes and the upper respiratory system. People who are very young, elderly, or who have chronic lung problems, such as asthma, suffer most when ground level ozone is high.

While ozone is of considerable concern, PM 2.5 poses the greatest health risk of any air pollutant. PM 2.5 results in as many as 30,000 premature deaths nationwide each year. Fine particles are responsible for a variety of adverse health effects, including aggravation of respiratory and cardiovascular disease, damage to lung tissue,

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impaired breathing and respiratory symptoms, cardiac arrhythmias, heart attacks and lung cancer.

Health risks associated with toxic air contaminants are also a major concern in Philadelphia. According to the EPA's National Air Toxics Assessment, Philadelphia is fifth in the country in health risks from air toxics. Many of the toxic compounds are emitted from motor vehicles, especially diesel trucks and buses. Other toxic compounds originate in local industrial sources.

In addition, a substantial amount of air pollution originates in industry from outside of Philadelphia that makes its way into the region.

Working with industry and community groups, Air Management Services is addressing issues of non-attainment and air toxicity by enforcing existing regulations and providing expanding programs. For example, we recently undertook a major initiative called the Philadelphia Diesel Difference. This voluntary program aims to quickly reduce soot and toxic emissions from existing diesel-powered vehicles, in particular large trucks and buses. This will be accomplished through emission controls and cleaner fuels. As already

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2 noted, diesel engines are one of the largest sources
3 of PM 2.5, and diesel particulate represents a
4 significant part of the City's air toxics risks.

5 According to the State and Territorial
6 Air Pollution Program Control Administrators,
7 STAPPA, and the Association of Local Air Pollution
8 Control Officials, ALAPCO, diesel emissions have the
9 highest contribution to cancer risk, causing
10 approximately 3,085 cancers in the Philadelphia
11 metropolitan area.

12 In addition to our local efforts, strong
13 federal leadership is essential in assuring local
14 agencies can meet clean air goals. As noted, local
15 air quality is significantly affected by emissions
16 transported over distances of hundreds of miles.
17 Emissions contributing to our ozone and PM 2.5
18 problem can be emitted from as far away as Virginia
19 and Ohio. It is therefore critically important that
20 we have sufficient support from the federal
21 government in assuring that these transported
22 emissions do not interfere with our ability to
23 provide clean air to our citizens.

24 Unfortunately, we are not receiving that
25 federal leadership. Several federal initiatives

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2 are, in fact, impeding our progress in initiating
3 clean air goals. These include the Bush
4 Administration's Clear Skies Initiative and the new
5 and proposed changes to the Federal New Source
6 Review regulations. New Source Review will be
7 called NSR in my testimony coming up.

8 Let me talk about NSR first. NSR, a key
9 feature of the Clean Air Act, provides states and
10 localities with a valuable mechanism for achieving
11 health-based air quality standards. Currently, the
12 NSR is a valuable tool for preserving, not
13 degrading, air quality standards.

14 NSR serves as a very important purpose.
15 It allows growth in attainment and non-attainment
16 areas without jeopardizing air quality. The program
17 does this by requiring newly constructed and
18 modified major air pollution sources to undertake
19 critical air pollution reduction measures. Among
20 these critical measures are the application of the
21 state-of-the-art technology for installations that
22 emit pollution for which we are in attainment, and
23 even more stringent ones for installations that emit
24 pollutants for which we are in non-attainment.
25 Because it is widely recognized that the best time

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2 to institute pollution limiting measures is before
3 the pollution source is built or modified, NSR not
4 only assures sustained progress in achieving air
5 quality goals, but does it when most appropriate.

6 The Bush Administration has already
7 taken measures, and it intends to take additional
8 measures that will erode the effectiveness of the
9 current Clean Air Act and its NSR provisions. EPA
10 promulgated NSR revisions that took place on
11 March 3, 2003. The purpose of these revisions,
12 according to EPA, is to make it easier for older
13 facilities to modernize and improve energy
14 efficiency, providing them with operational
15 flexibility and to otherwise codify the NSR
16 applicability requirements. EPA is currently
17 proposing rules to change the definition of "Routine
18 Maintenance, Repair and Replacement," a key
19 determiner of applicability, in an effort to provide
20 greater regulatory certainty to facilities when
21 undergoing such activities.

22 Also, the Administration proposes the
23 Clear Skies Bill as one of several pieces of
24 multi-pollutant legislation being introduced to
25 address emissions from power plants. Clear Skies

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2 will amend Title IV of the Clean Air Act by
3 establishing new cap-and-trade programs requiring
4 reductions of sulphur dioxide, nitrogen oxides and
5 mercury emissions from electric generating
6 facilities. It will amend Title I to provide an
7 alternative regulatory classification for units
8 subject to the cap-and-trade programs.

9 The NSR revisions already in effect and
10 those being proposed, while providing some
11 operational flexibility for owners and operators of
12 air pollution sources, will have the following
13 potential detrimental effects to air quality:

14 Applicability requirements have and will
15 continue to be liberalized, making it easier for
16 facilities to avoid triggering NSR requirements,
17 thereby avoiding additional pollution controls.
18 This includes basing NSR applicability on the cost
19 of a project, rather than on the increase in
20 emissions.

21 Some initially well-controlled air
22 pollution sources will be excluded from NSR
23 requirements for 10 to 15 years, even if subsequent
24 modification will significantly increase emissions.

25 Also, under the new Plant Wide

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Applicability provision, a company can avoid NSR by setting a limit on its overall emissions. However, the limit can be substantially higher than what the company emits, thereby negating progress already made.

With respect to the Clear Skies legislation, we do not expect that electric generating facilities in Philadelphia will be affected. However, the legislation would allow significant emission sources from coal burning utilities and other states to continue to degrade Philadelphia's air. Any potential improvement will be on a protracted schedule, rather than the more expeditious schedule under the current Clean Air Act. My staff has not yet had the opportunity to investigate the proposed Clear Skies method for calculating the standards relative to senior citizens, but will provide such comment in the near future.

The Clear Skies impact on states and cities has been evaluated by STAPPA and ALAPCO. This joint organization, which includes Air Management Services as a member, is comprised of state and local air quality control officers in the

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2 states and territories and over 165 metropolitan
3 areas around the country. According to STAPPA,
4 ALAPCO, the current version of Clear Skies has many
5 detrimental provisions:

6 Its deadlines are too protracted and
7 well beyond those by which we should be meeting
8 health-based air quality standards.

9 The caps are not tight enough because
10 the emission limits do not establish the most
11 stringent enforceable national emission reduction
12 goals feasible and reflect Best Available Control
13 Technology or better on all existing sources.

14 It does not require some future minimum
15 level of control for existing power plants.

16 It modifies or repeals some of the most
17 important Clean Air Act provisions, including NSR,
18 the utility MACT rule, including non-mercury
19 hazardous air pollutants, residual risk requirements
20 for mercury, Lowest Achievable Emission Rates and
21 offset requirements.

22 It seriously undermines and possibly
23 preempts state and local authorities to adopt and
24 take credit for more stringent requirements for
25 power plants, and it does not protect against any

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adverse local health and environmental impacts.

The promulgated and proposed revisions to NSR, as well as the proposed Clear Skies legislation, are not consistent with expeditious progress toward meeting air quality goals. In fact, these changes could have detrimental impact on the progress made over the last 30 years. Because these new federal approaches will put a greater burden on local government for the timely achievement for air quality goals, it is critically important that any multi-pollutant legislation, like Clear Skies, be adopted with provisions that do not place an undue burden on local governments for achieving clean air.

The Health Department is responsible for developing and implementing an air pollution control plan sufficient to provide Philadelphians with healthful air quality and clear vistas. We cannot fulfill that responsibility without strong federal leadership in requiring that the most up-to-date technology be used when either a major air pollution source is constructed or when older and dirtier plants need to be upgraded to meet current and improved standards. The fundamental elements of Clear Skies provide a diminished approach to air

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2 pollution control and will have an adverse effect on
3 our air quality goals. We believe the approach
4 being taken by the Administration in Washington will
5 not be helpful in protecting Philadelphia's air
6 quality.

7 I appreciate this opportunity to present
8 our comments and will gladly respond to your
9 questions at this time.

10 COUNCILMAN COHEN: Thank you very much,
11 Mr. Fine.

12 Wasn't there a time when Philadelphia
13 was regarded as having the national model Air
14 Pollution Code in the City?

15 MR. FINE: Absolutely.

16 COUNCILMAN COHEN: When was that?

17 MR. FINE: You should take some credit
18 for that. That was --

19 COUNCILMAN COHEN: In the late '60s?

20 MR. FINE: Late '60s, early '70s.

21 COUNCILMAN COHEN: When we passed the
22 City's Air Pollution Code.

23 Do you remember who introduced the Bill
24 on that?

25 MR. FINE: I believe it was you.

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2 COUNCILMAN COHEN: Yes. So if I look a
3 bit older, it's because I've been in the City
4 Council -- except for a few years during Mayor
5 Rizzo's Administration because I ran against him and
6 lost -- but other than that, I've been in the City
7 legislative body consistently.

8 Incidentally, let me introduce the son
9 of the man that defeated me for Mayor, and that's
10 Councilman Frank Rizzo, who is a Member of this
11 Committee.

12 COUNCILMAN RIZZO: May I make one quick
13 statement, Councilman?

14 They got along better than you ever
15 would believe.

16 COUNCILMAN COHEN: Okay. But at that
17 time Philadelphia was regarded as the model. I was
18 in my second year of City Council. I'm now in my
19 28th year of City Council. And since that day,
20 actually -- well, we made some advances since 1969
21 -- the last number of years have been years of
22 decline.

23 And do I summarize your testimony
24 accurately if I say that the Bush proposed
25 amendments to the Clean Air Act and the other

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2 recommendations of the Administration move in wrong
3 direction from the point of view of clean air in the
4 Philadelphia area?

5 MR. FINE: Absolutely. That's correct.

6 COUNCILMAN COHEN: And that's because of
7 changes and requirements, as well as placing greater
8 burdens on cities and less burdens on the federal
9 government to take the proper action to clean the
10 air.

11 MR. FINE: That's correct.

12 COUNCILMAN COHEN: All right.

13 Any other questions? Because I'd like
14 to have the opportunity to have many witnesses
15 testify and get their reactions.

16 Any questions from Members of the
17 Committee?

18 Councilman Rizzo?

19 Councilman Ortiz?

20 Does the gentleman with you want to add
21 anything, or is he there to assist you in any way
22 possible?

23 MR. FINE: He's my permitting expert. I
24 didn't know how detailed you wanted to get.

25 COUNCILMAN COHEN: Would you like to add

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2 something at this point?

3 MR. BARSLEY (ph): My name is Thomas
4 Barsley. I work in the Permitting Division of Air
5 Management Services. I'm basically here to assist
6 Mr. Fine with the aspects of the questions.

7 COUNCILMAN COHEN: All right. I look
8 forward to the day when Philadelphia again becomes
9 the model. And if it happens during my lifetime,
10 we'd better get moving pretty quickly. So I have a
11 special interest in seeing that this moves forward.

12 Thank you, Mr. Fine. I'd like to ask,
13 could you stay here, so that you may want to comment
14 on some of the testimony that you're going to hear
15 from witnesses?

16 MR. FINE: I'll be happy to stay.

17 COUNCILMAN COHEN: Very good, sir.
18 Thank you.

19 The next witness will be Kevin Stewart
20 from the American Lung Association of Pennsylvania.

21 MR. STEWART: Chairman Cohen, Members of
22 Council, Citizens and Guests, good afternoon. Thank
23 you for the opportunity to present testimony before
24 you today on a matter of serious importance for the
25 health, and even the lives of Philadelphians.

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2 My name is Kevin Stewart. I hold a
3 Bachelor of Science Degree in Chemical Engineering
4 from Princeton University, and I serve the American
5 Lung Association of Pennsylvania, ALAPA, as its
6 Director of Environmental Health.

7 ALAPA was founded 111 years ago here in
8 Philadelphia to combat tuberculosis, and it is now
9 dedicated to the prevention of lung disease and to
10 the promotion of lung health. It represents a body
11 of scientific knowledge on the subject of lung
12 disease, specifically on well-established links
13 between air pollution and lung disease.

14 Every year the American Lung Association
15 publishes a report evaluating ozone smog air
16 pollution across the country. And last year we
17 assigned letter grades to 595 counties. While it is
18 common practice in our report to address the
19 situation in states and huge metropolitan areas,
20 today I am focusing on one not so large area. Just
21 135 square miles, in the City of Philadelphia. In a
22 few weeks we will release our State of the Air 2003
23 report. It will be no surprise to you that
24 Philadelphia County will, as it has every year our
25 report has been issued, earn an F. This grade is

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2 not only critically important for the physical and
3 economic health of the one-and-one-half million
4 people who live here, but also for the millions more
5 who work here and visit.

6 In addition to ozone, another pollutant
7 of grave concern is particulate matter, or PM, tiny,
8 solid or liquid particles suspended in the air that,
9 when inhaled, reach the deepest parts of the lungs,
10 the tiniest bronchioles and the air sacs we call
11 alveoli. Taken together, studies performed across
12 the country and around the world, as well as right
13 here in Philadelphia, have demonstrated that every
14 year these fine particles cause premature death to
15 tens of thousands of Americans. PM comes not only
16 from mineral dust, biological sources and emissions
17 of carbonaceous soot, but from chemical reactions in
18 the atmosphere on emissions of sulfur dioxide and
19 nitrogen oxides, or NOx.

20 It's important for Council to understand
21 that a single sector, electric power plants, chiefly
22 dirty coal burning facilities, is responsible for
23 about two-thirds of the entire country's sulphur
24 dioxides emissions and one-quarter of our NOx
25 emissions. NOx is also critical for ozone

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formation. The problem is that many of these power plants, decades after the passage of the Clean Air Act, are getting away with emitting on the order of 10 times the amount of these pollutants for the amount of electricity generated as would be allowed if the plants had to get new permits.

Ozone sears the lungs. Particulate matter introduces pollutants into them. These pollutants cause headaches, nausea, coughing, painful breathing, chest tightness, wheezing, shortness of breath, increased susceptibility to infections. They exacerbate asthma, as measured by the frequency, the severity and the duration of asthma attacks. They increase mortality, ranging from Sudden Infant Death Syndrome to premature death.

The American Lung Association works hard to protect sensitive groups from air pollution and the temptation for some maybe to regard these populations as only a tiny minority. Let me emphasize to you that that perception is false. In fact, taken together, people in groups who are particularly sensitive to air pollution amount to fully half of the City's population. This means

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2 that virtually every family, every work place, every
3 classroom, has someone, often many someones, who are
4 at increased risk from air pollution.

5 In the City of Philadelphia alone, we're
6 talking about 84,000 adults with asthma; 21,000
7 children who suffer asthma attacks, sometimes severe
8 enough to kill them; over 50,000 persons with
9 chronic bronchitis; and more than 18,000 people
10 struggling for every breath, with emphysema. We're
11 talking about more than 320,000 children 14 and
12 under, and more than 200,000 adults 65 or above.

13 But why is the American Lung Association
14 and so many citizens and groups before you here
15 today concerned about air pollution originating
16 hundreds of miles from here, from Ohio, West
17 Virginia, Kentucky, Tennessee, from as far west as
18 the Mississippi River, and from as far south as the
19 Gulf of Mexico? Why are we concerned? And why
20 should Council share that concern?

21 Let me begin by giving you an example
22 from one small power plant I happen to have some
23 particular information about. Specifically, the
24 Elrama Power Plant in Washington County,
25 Pennsylvania, roughly 300 miles due west from here.

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2 A scientifically defensible analysis using air
3 quality and health impact modeling shows that in a
4 typical year, the particulate matter from this
5 plant's NOx and sulphur dioxide emissions is
6 responsible for 18 excess deaths and about 700
7 excess asthma attack days nationwide.

8 One might think that all of these
9 adverse effects are borne by the good people of
10 Washington County, but not so. To be sure, they
11 experience their share, but the remainder is
12 liberally spread over much of the eastern United
13 States. Here in Philadelphia, the effects of this
14 single power plant are one person dying every two
15 years, and annually about 10 people suffering an
16 asthma attack day.

17 But that's just one plant. A small one.
18 They add up.

19 According to an analysis by Abt
20 Associates, Incorporated, for the Clean Air Task
21 Force, the corresponding annual impacts of
22 particulate matter originating from all power plants
23 on the people of Philadelphia County, the City
24 alone, would be 332 cases of premature death, almost
25 200 respiratory/cardiovascular hospital admissions

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2 and about 5,000 asthma attack days.

3 Using additional information from the
4 Clean Air Task Force's report, Death, Disease and
5 Dirty Power, ALAPA conservatively estimates
6 additional effects: 170 case of chronic bronchitis,
7 40,000 lost work days, 200,000 restricted activity
8 days.

9 Remember, these numbers are annual.
10 Until we solve the problem, Philadelphians will
11 suffer these consequences to roughly the same degree
12 every year. Even though the sources of the local
13 premature deaths are in places like the Ohio and
14 Tennessee River Valleys, the death rate for
15 Philadelphia County is 34.5 per 100,000 population,
16 fully 78 percent as high as the corresponding rate
17 for the highest ranked state in per capita impact,
18 Kentucky.

19 I do have some simple good news. As a
20 nation, we can solve most of the problem I've
21 described. We can reduce these health consequences
22 by approximately two-thirds if we would just do two
23 things: One, faithfully enforce the Clean Air Act;
24 two, return to the rules for New Source Review that
25 existed prior to New Year's Eve and enforce them.

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2 I have some simple bad news too. If we
3 fail, if we are stuck with the Bush Administration's
4 version of the NSR rules, then the amount by which
5 we can expect to reduce these health consequences is
6 zero.

7 In fact, the loopholes created so
8 obliterate the NSR rule, that there is good reason
9 to believe that the unprecedented free-for-all
10 permitted by it, could result in emissions increases
11 at any of some 17,000 major sources across the
12 country, with no legal recourse left to communities
13 or even to City and state air pollution control
14 agencies to prevent them.

15 As you will see in detail today, that
16 single number, zero fewer lost work days, zero fewer
17 asthma attack days, zero fewer hospital admissions,
18 zero fewer people killed, is the clear and
19 resounding call for Philadelphia and, indeed, for
20 all cities throughout the country to do everything
21 in their power to reverse the nation's course down
22 this anti-health, anti-environment path.

23 Communities great and small, individuals
24 young and old, their elected representatives and
25 those granted with the public trust should fight to

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oppose the so-called Clear Skies Initiative and the New Source Review Program. Together, these measures constitute the single largest environmental threat to public health in a generation. The American Lung Association has characterized Clear Skies as gutting the Clean Air Act and severely weakening efforts to curb air pollution. We have called the EPA's eviscerated New Source Review Program a major setback for public health. We have said, without credible dissent, that timely enforcement of the unweakened Clean Air Act would provide greater pollution reductions sooner than the Administration's plans.

Therefore, the American Lung Association of Pennsylvania calls on the City of Philadelphia to show leadership in two ways. One, we ask this City, upon action by Council, to call on the elected officials who represent its populace in the United States House and Senate to oppose the NSR rollbacks and the so-called Clear Skies proposal. Two, we ask this City, upon action by Council, to call on its fellow cities in Pennsylvania and throughout the United States to do the same.

Thank you. I'll appreciate your

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2 questions.

3 COUNCILMAN COHEN: Thank you very much.

4 Are there any questions?

5 Councilman Rizzo.

6 COUNCILMAN RIZZO: Councilman Cohen, not
7 for this witness, but I have a quick question for
8 clarification from Mr. Fine, so when it's
9 appropriate, I'd like to have him back to the table.

10 COUNCILMAN COHEN: Yes.

11 Would you stay where you are, because I
12 will have some questions?

13 Mr. Fine, could you approach the table
14 again?

15 Councilman.

16 COUNCILMAN RIZZO: Thank you, Mr. Fine,
17 for returning to the table. I just want to make
18 sure I get something straight before I react.

19 Your testimony, your criticism of the
20 Bush Administration, is this your opinion or is this
21 the Administration's opinion?

22 MR. FINE: Well, this was reviewed by
23 the Health Department Commissioner.

24 COUNCILMAN RIZZO: The Commissioner
25 signed off on these remarks?

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2 MR. FINE: That's correct.

3 COUNCILMAN RIZZO: Thank you.

4 No other questions, Mr. Chairman.

5 COUNCILMAN COHEN: Mr. Fine, stay here
6 for a minute. I'd like to ask Mr. Fine, does he
7 agree with the assessment just made by this most
8 recent speaker?

9 MR. FINE: Absolutely, yes.

10 COUNCILMAN COHEN: What do you think
11 accounts for the way in which Americans worry so
12 much and grieve about the loss of, say, a soldier in
13 combat? I understand that it's traumatic. I was in
14 the Army 60 years ago overseas. I can understand
15 the emotions of the country, how happy we are when
16 we saved the lives of the seven prisoners of war,
17 when they were recovered. Yet with respect to these
18 deaths, which seem to outnumber those that we suffer
19 at war, there is a complacency that exists. People
20 say, "Well, you know, that isn't good news, but
21 after all, I guess that's what we have to expect in
22 life."

23 What accounts for that kind approach by
24 people? Or what can we do, other than call
25 meetings?

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2 I think your suggestions -- to the last
3 speaker -- were fine. We're going to try to carry
4 out as best we can your recommendations. I would
5 certainly like to see the City of Philadelphia not
6 just say, tough luck for us; therefore, we have to
7 live with it, but begin to show some leadership in
8 the interest of human health and human activities.

9 Why do people act so indifferently on
10 health matters? How do we live, for example, with
11 42 million people without health insurance? And we
12 know that most of them are going to suffer severe
13 illnesses and probably death sooner than they would
14 otherwise because of lack of attention. What
15 accounts for the American willingness to absorb bad
16 health news as just being natural? Yet we get so
17 aroused when there are issues like war and peace.
18 Why can't we have a war on coal stacks, on coal
19 burning furnaces? Why don't we have a war on these
20 particulate matters and on ozone?

21 Philadelphia suffers, I think, in all
22 the health reports we get year after year on ozone,
23 more than almost any other City in the country,
24 doesn't it? We're a major victim of ozone problems,
25 and I guess now also particulate matter problems.

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2 Do you have any recommendations? What does the Lung
3 Association say?

4 MR. STEWART: Chairman Cohen, you
5 certainly do ask a very important question, and one
6 that, in its scope is, frankly, beyond some of my
7 ability to respond to. But at the same time, I
8 would remark, though, on a couple points.

9 One, certainly, the Lung Association
10 recognizes that every death before one's times,
11 every injury is tragic. And certainly when you're
12 looking at victims of warfare, it's very obvious
13 that people are putting themselves in harm's way
14 when bullets are flying. It's obvious to see that
15 people are doing that, and that takes a lot of
16 courage to face that. And to sustain injury and
17 death as a result of those things, these are often
18 our youngest, our best, our brightest. And for them
19 to be taken from us is naturally going to be
20 regarded as the highest of tragedies.

21 When we talk about air pollution and its
22 effects on health, admittedly, they are no less
23 real. These are real people who suffer real
24 suffering and real death. In many cases they are
25 invisible in the sense that when people die from air

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2 pollution-caused diseases, or air
3 pollution-exacerbated diseases, it is not
4 immediately clear that a person is dying, that Joe
5 Smith or Mary Jones has passed away because the air
6 pollution got her that day. It's not as cut and dry
7 in the terms of personalizing it.

8 What happens is that we know from good
9 science, replicated science, that air pollution is
10 very, very clearly linked with these kinds of
11 numbers. And we're talking about hundreds of
12 studies, weight of the evidence kinds of evidence,
13 to be able to say the numbers I've said. But it's
14 not that I'm going to be able to go to the emergency
15 room at the hospital and pick out the patients that
16 day who happen to be suffering from air pollution
17 and those other lung patients who aren't. I can't
18 distinguish from them.

19 We know, though, when you have a
20 population that's at higher risk, whether you're
21 talking about kids with asthma or adults with
22 emphysema, or if you're talking about elderly people
23 whose lung function is on the lower side than what
24 it used to be, or young children who are at higher
25 risk because their lungs are growing and are

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2 vulnerable, we know that when air pollution
3 increases, the numbers of people on the average at
4 hospital ERs, the numbers of people dying in the
5 death rolls from cardiopulmonary diseases, those
6 numbers increase. And so those are real effects.

7 But because people learn things by using
8 their -- the sense of reality is not so much a
9 scientific cut and dried mathematical analysis.
10 Most people pick up the reality of the world by
11 their senses, by their emotions and where things are
12 very, very clearly connected for them in terms of
13 their senses and their emotions, as for instance the
14 death of soldiers in a war, then it becomes very,
15 very clear that there is a connection here and
16 there's a clear cause and effect.

17 The average person, though, all they see
18 is a person who is having trouble breathing, not
19 able necessarily to put the finger at their position
20 onto a particular cause in the environment, or
21 whether it was pollen, or whether it was cat dander,
22 or whether it was diesel exhaust, or whatever it
23 might have been, there's not going to be the ability
24 on the part of those people. They're just simply
25 dealing with the fact that there's a person

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2 suffering or a person dying and they are going to be
3 grieving that as almost one of the those things, an
4 act of nature, an act of God.

5 And we're certainly here as
6 representatives from the health and environmental
7 community today to try to help communicate, to
8 counsel that these are not random deaths, random
9 absences from work, random asthma attacks. These
10 things have causes and they are effects that are
11 measurable and discernible and preventable. The
12 more that we realize that, even as City Council, the
13 more that City Council can exercise leadership in
14 encouraging the City of Philadelphia to recognize
15 that.

16 COUNCILMAN COHEN: I would say to Mr.
17 Fine, if his service could come up with some
18 dramatic ways to heighten the attention of the City
19 public and if it needs money in the budget, I will
20 volunteer to get the additional funding. I think in
21 the City of Philadelphia it's a major cause of death
22 prematurely. More suffer from asthma, I think, in
23 Philadelphia than any other disease.

24 It should strike at our heart because it
25 effects so many youngsters. Maybe we are more

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2 careless in our thinking about the older population,
3 but so many youngsters have asthma. And, of course,
4 with old people, it often leads to death many, many
5 years before it ought to, which creates a problem
6 for the children and the younger population. I just
7 think we've got to find a way.

8 For example, the Bush Administration
9 policy, why would they advocate this? And the main
10 reasons given in the initial testimony was because
11 of business complaints about the expense of
12 modernizing plants, say. Well, I can understand
13 that from the businessman. Individually his concern
14 is about making profits. And that's got to be his
15 concern because it's the only way he stays in
16 business. But the community at large and those of
17 us who hold elected office have other motivations
18 that ought to be guiding our actions, and that ought
19 to be the health of the people.

20 I think the environment and health
21 issues are the most important that any government
22 has to solve. But I think we need your help in
23 learning how to deal with that question in a way
24 other than the routine way, saying, well, he's
25 coughing because maybe he caught a cold or maybe

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it's the environment or something. I think we've got to find a way to maybe have days of mourning or have the Health Department announce that out of four deaths that occurred yesterday in Philadelphia, three of them may be attributable to asthma. And maybe we ought to have some public funerals, that kind of thing, to attract attention. Because, otherwise, greed and private profit is going to be more effective than concern for public health.

Any comment, Mr. Fine? Anything we can do? If you and Mr. Domzalski and your department could come up with proposals, the City might well -- sometimes the battles between Council and the Mayor get the headlines, but there are times when we work together very effectively.

On Affirmative Action, for example, we were the only City where the City Council and the Mayor together filed briefs in the recent argument before the Supreme Court on the University of Michigan Law School. So that in between our quarrels with each other, we do find the means to do effective work. I would like to see Philadelphia, both the Mayor's Office and the City Council, working together very closely to achieve these

So we're going to look to you, Mr. Fine, and tell Mr. Domzalski the same thing, that we look to him to come up with proposals. We're going to be ready to work very hard. I intend to spend the balance of my career, whatever it is, if voters so choose, it will be at least four more years after May 20th, but whatever it is, whether it's no years or four years or eight years, I would like to spend most of my time on environmental matters. That's where I began and I think that that's where the main push is needed.

Thank you both very much.

First of all, I do want to follow-up. I will follow-up with Mr. Fine on the challenge that you've made to him. In the interest of time and for the other speakers, I'll kind of hold that off line with him.

I did want to remark very quickly on the

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2 comment about, why did the Bush Administration do
3 this and because of the economic interests of the
4 businesses involved. I want to stress -- I didn't
5 have time in my testimony today to go into this --
6 but a whole other area of discussion has to do with
7 the health costs and the lost productivity costs of
8 air pollution.

9 When analyses like these are done,
10 especially for things as dirty and polluting as coal
11 burning power plants, and as easy as they are to
12 fix, in terms of the amount you need to spend per
13 ton of reduction, what you'll find is that we are
14 already bearing, in terms of health costs and lost
15 productivity, much more expense than we would bear
16 to simply fix the problem.

17 The problem is that the health costs are
18 spread out all over, all these third party costs
19 throughout society. Whereas the cost of fixing up
20 the plant, the electric power company that owns it,
21 is looking on it as something that is their cost to
22 bear or their shareholders' cost to bear alone. And
23 that's one of the issues, I think, for the common
24 good we need to recognize, as a society, that it's
25 really important for these costs to be absorbed

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2 properly so that we can actually fix the problem and
3 get to the health benefits that would be worth so
4 much more if we could actually just stop the air
5 pollution from being produced.

6 COUNCILMAN COHEN: Well, I'm known for
7 opposing the use of public funds for private
8 purposes. But it seems to me that if there were a
9 private coal mine that needed fixing, that the
10 public cost of taking care of the health injuries
11 suffered by people from the bad operation would
12 certainly justify public support in the way of
13 financing the necessary improvement for the plant.
14 Again, it would be less costly to the government.

15 MR. STEWART: The thing is, many
16 industries have already borne costs, and it is just
17 the grandfathered dirty coal-burning power industry
18 in large part that has escaped them over the years.
19 Every other industry has borne, in many respects,
20 lots of the cost that they need to do to come up to
21 modern standards. And here we have dinosaurs that
22 are operating, using 1960s kind of standards, that
23 really are just completely inappropriate in this day
24 and age.

25 COUNCILMAN COHEN: Let me ask you one

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2 question along that line to see if my concerns are
3 genuine.

4 I've been very worried about PECO and
5 Exelon's merger. Exelon is now the major electric
6 company serving this area. And Exelon seems to be
7 the one utility that's spearheading the effort to
8 continue the construction of nuclear plants that
9 have hereto seem so dangerous in their operation.
10 Are you concerned at all about the efforts of PECO
11 or Exelon to extend the life of these nuclear
12 plants?

13 It looked as if we were making progress,
14 that nuclear plants would, in the next 10, 20 or 30
15 years, disappear.

16 MR. STEWART: There's so many
17 unaddressed problems to do with nuclear energy, that
18 the American Lung Association position on energy is
19 recognizing that we need to do things such as energy
20 conservation, demand distribution, so that we have
21 better control over the amount of demand at a
22 certain time of the day. And the kind of energy
23 sources that we should be introducing and replacing
24 existing sources with are the cleanest operating
25 kinds of things. The Lung Association is

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2 recognizing the clear value of renewable, truly
3 renewable energy sources, that don't establish
4 precedents for very serious environmental hazards
5 that we still don't really know how to clean up
6 well. Nuclear energy, for all of its promise of
7 clean, cheap power, has been anything but. And
8 we're thinking that there are probably a lot of
9 better solutions out there than to go that route.

10 COUNCILMAN COHEN: Thank you very much.

11 The next witness will be Lisa Zubowicz.
12 Welcome.

13 Identify yourself for the record and
14 spell your last name.

15 MS. ZUBOWICZ: Good afternoon. Thank
16 you for this opportunity to testify today. My name
17 is Lisa Zubowicz, and that's spelled
18 Z-U-B-O-W-I-C-Z. And you have copies of my
19 testimony, as well.

20 I am the outreach coordinator for Penn
21 Future, and we are an environmental organization
22 with offices in Philadelphia, Harrisburg, and
23 Pittsburgh. And my testimony today is entitled,
24 "Ozone Impacts in Philadelphia." And I will be
25 discussing a number of ozone exceedances in

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2 Philadelphia, as well as the associated health and
3 economic effects of ozone. I apologize in advance
4 for reiterating the same health statistics that Mr.
5 Stewart already did.

6 One the biggest pieces of the air
7 pollution puzzle includes ozone and ozone
8 exceedances. But, first of all, I want to talk
9 about what ozone is. Ozone is a colorless and
10 odorless gas that is caused when nitrogen oxides, or
11 NOxs, and volatile organic compounds, VOCs, combine
12 under intense sunlight. Ozone can be good and bad,
13 depending on where it's located. If it's in the
14 upper atmosphere, it filters the sun's harmful UV
15 rays. However, if it's in lower atmospheres, it
16 causes health problems, and that's the type of ozone
17 that I'm going to be talking about today.

18 The very worst effects of ozone occur on
19 hot, sunny days, like we have today, when the air
20 flow is stagnant. The people most at risk for
21 negative health effects of ozone include children,
22 the elderly, and individuals with preexisting
23 respiratory problems. All of these individuals may
24 have increased emergency room visits and hospital
25 admissions during high ozone days, with symptoms of

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2 asthma, bronchitis and chest pain. However, ozone
3 affects healthy individuals as well, especially when
4 they exercise or work outside.

5 So now that we have some background on
6 ozone, why should Philadelphia care about this
7 issue? The answer is straightforward.
8 Philadelphians have increased negative health
9 effects due to ozone exposure, and Philadelphia's
10 economy is being negatively impacted by poor air
11 quality.

12 In 2002, about two-thirds of the
13 Pennsylvania violations for the one-hour ozone
14 standard occurred in Southeast Pennsylvania,
15 including Bucks, Delaware, Chester, Montgomery and
16 Philadelphia counties. The one-hour standard
17 measures ozone spikes during a one-hour period over
18 125 parts per million. The Department of
19 Environmental Protection reported 17 violations in
20 Philadelphia, and only nine all over the rest of the
21 state.

22 In fact, the Philadelphia-area counties
23 are the only ones in the state to have the label,
24 "Severe Non-Attainment," using the Clean Air Act's
25 1990 amendment standards.

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2 For the new, more protective eight-hour
3 ozone standards, there were over 100 violations in
4 the Philadelphia metro area. The eight-hour
5 standard measures longer high ozone levels exceeding
6 85 parts per million over an eight-hour period of
7 time. These tougher standards were revised in light
8 of research that showed health effects from
9 persistent smog.

10 The Philadelphia Inquirer, on March
11 19th, 2003, reported that not only did 2002 bring
12 more smoggy days, but the worst of 2002 were
13 smoggier than the worst of 2001. Although the hot,
14 stagnant weather of the last few years is the
15 contributing factor, our ozone in Philadelphia is
16 due in large part to upwind pollution from power
17 plants. In 1999 power plants emitted 205,000 tons
18 of NOx in Pennsylvania. This makes up about 30
19 percent of all of Pennsylvania's NOx released to the
20 air. Vehicles are the other major source.

21 To put this into a useful illustration,
22 EPA estimates that the average car emits 29 pounds
23 of NOx in a year. If installing NOx controls will
24 reduce annual NOx emissions from a power plant by
25 10,000 tons, this would be the equivalent of taking

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2 690,000 cars off the road.

3 In EPA Region III, which includes
4 Pennsylvania, D.C., Delaware, Maryland, Virginia and
5 West Virginia, Pennsylvania contributes 41 percent
6 of all the area, which means non-point NOx emitted.
7 In Philadelphia, it's not all power plants, though.
8 The Sunoco Refinery in Marcus Hook was fined by DEP
9 \$3.4 million for NOx air quality violations in 2001.
10 If you look at the one-hour ozone standards from
11 2000 and 2001, 2002 had more than both of those
12 years combined. The problem is not going away and
13 it's not getting better in Philadelphia.

14 Ozone exceedances aren't Philadelphia's
15 only problem in terms of ozone. As Kevin Stewart
16 from the American Lung Association said previously,
17 Philadelphians are suffering from adverse health
18 effects as well. Statewide there are one million
19 Pennsylvanians that suffer with asthma. More and
20 more studies are illustrating this connection
21 between ozone and negative health effects.

22 Due to the time, I'm going to skip over
23 some of my health statistics. I'll just mention one
24 briefly. The Harvard School of Public Health
25 released a study in 1996 reviewing hospital and

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emergency room visits in Philadelphia and 12 other cities that had difficulty in meeting the federal ozone standard. That study found that 3,250 hospital admissions and ER visits in Philadelphia were due to ozone, and those included asthma and bronchitis.

Another study called "Death, Disease and Dirty Power" found that 997 premature deaths occurred in the Philadelphia metro areas as a direct result of particulate matter from electricity generation only.

Pennsylvania truly is a leader in the air pollution Hall of Shame, unfortunately. Pennsylvania, along with four other states, contributed 44 percent of the US's total toxic power plant air emissions. And Pennsylvania, along with four other states, contributed 39 percent of the entire US's mercury air emissions.

Health effects due to ozone are negatively impacting Philadelphia's economy as well. Power plants and the health problems that they exacerbate cause over 5.1 million lost work days in the United States. And ozone exceedances and air pollution in general make it difficult for new

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2 factories to locate in Philadelphia. If they do,
3 they have to deal with two issues; more stringent
4 pollution control mechanisms, and a need to offset
5 their emission increases by entering into the
6 pollution credit market.

7 Philadelphia's air pollution is
8 inextricably linked to the economy, so the answer is
9 simple: Clean up the current air pollution for
10 newer, cleaner sources to locate here.

11 I would like to end by summarizing
12 several key points. Air pollution is a very real
13 problem in Philadelphia. Ozone exceedances cause
14 health problems for people of all ages, and they
15 cause countless economic impacts as well, in terms
16 of lost work days and discouraging clean companies
17 to locate here.

18 We have the power to clean up
19 Philadelphia's air Hall of Shame, but we need City
20 Council Members to recognize this problem and be on
21 board with us as we craft an effective solution.

22 Thank you for your time.

23 COUNCILMAN COHEN: Thank you.

24 Mr. Kearney, the Director of the
25 Committee.

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2 MR. KEARNEY: Lisa, I don't know if
3 you're the best person to answer this, or somebody
4 else. Can you tell us a little bit -- one of the
5 earlier testifiers mentioned something about January
6 1st or December 31st, that certain parts of the New
7 Source Review went into effect. So my question is
8 twofold: Could you describe specifically what the
9 federal government did that went into effect January
10 1st? And, two, what is the timetable with future
11 changes or the proposals, the other proposals, to
12 change the Clean Air Act. Is that going to happen
13 this year?

14 MS. ZUBOWICZ: Your exact question
15 actually is going to be answered later in testimony
16 by Nathan Wilcox. He's going to cover all of the
17 information about the new rules.

18 MR. KEARNEY: Is he going to cover the
19 timetable?

20 MR. WILCOX: I won't be able to give you
21 exact dates.

22 COUNCILMAN COHEN: Thank you very much.

23 Dr. Joel Chinitz, please come forward.
24 Identify yourself for the record and proceed.

25 DR. CHINITZ: Good afternoon. My name

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2 is Joel Chinitz with the Philadelphia Physicians for
3 Social Responsibility. I appreciate the opportunity
4 to meet with you, Councilman Cohen, Mr. Kearney.

5 I want to begin my comments with a
6 recorded response to sulphur dioxide and particulate
7 matter.

8 (Audiotape played.)

9 DR. CHINITZ: That's a typical example
10 of wheezing. Now, in medical school we are taught
11 that all that wheezes is not asthma. I can assure
12 you, however, that most of it is. In my survey a
13 few years back of elementary and middle schools in
14 North Philadelphia, the number one health problem
15 that the nurses reported was asthma. There was
16 nothing else that came anywhere close to that. It
17 turns out, however, that asthma is only one of
18 multiple concerns of health problems that are
19 attributable to air pollution.

20 If you think about this, we drink about
21 two to two-and-a-half liters or quarts of fluid a
22 day and, certainly, we want pure water. At the same
23 time, we inhale approximately 10 to 20,000 liters of
24 air per day, and the effect when that air is
25 contaminated range from the mundane to the

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catastrophic.

We need only recall the London smog back in December of 1952 when the effects went well beyond the immediate period of pollution. It was estimated at that time that there were approximately 12,000 excessive deaths between December of 1952 and February of 1953. Earlier in the United States, and closer to home, in Donora, Pennsylvania, which is 30 miles south of Pittsburgh, on October 26th, 1948, particulate-laden fog settled over Donora. And in a town of just 14,000 people, between 5,000 and 7,000 of them became ill and 20 of them died as a consequence of that.

Since then, and in response, the Clean Air Act and other efforts have improved air quality, but significant and major health effects persist, even at concentrations of pollutants within current federal standards.

As you've heard here today, air pollution contributes to lung disease, to emphysema, chronic bronchitis. It contributes to respiratory tract infections, to asthma and to lung cancer. Lung disease claims close to 335,000 lives in the United States every year and it is the third leading

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2 cause of death. Over the last decade, the death
3 rate of lung disease has risen faster than any of
4 the other five top causes of death.

5 As you've also heard, children, the
6 elderly and those with underlying heart and lung
7 disease are the most vulnerable. A recent study in
8 Montreal, Canada, for example, found that a
9 significant increase in mortality in patients with
10 congestive heart failure during periods of air
11 pollution. And in regard to children is our area of
12 principal concern. Children inhale more air per
13 pound of body weight. They absorb the toxins more
14 readily than do adults. They are exposed during
15 critical periods of their development. They're more
16 active outside, therefore breathing more rapidly and
17 at greater depth and have more years of exposure.
18 Therefore, children are particularly susceptible to
19 all airborne toxins. For example, on lead, as the
20 lead level goes up, the IQ goes progressively down.
21 So there's a linear relationship between decline and
22 intelligence and blood lead levels.

23 Recent studies both here and in Europe
24 which looked at variations in outdoor air small
25 particle concentration showed increased

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2 cardiovascular and respiratory death among elderly,
3 and increased hospital admissions for heart death.

4 Using an imaging technique, researchers
5 in Belgium have shown that these small particles,
6 similar in size to those routinely found in air
7 pollution, can enter a person's bloodstream in the
8 lungs. This could help explain the poorly
9 understood relationship between air pollution and
10 cardiovascular disease.

11 In an extremely large study reported in
12 the Journal of the American Medical Association,
13 which followed 500,000 adults between 1984 and 1998,
14 they found a clear association between excessive
15 particulates and lung cancer. For an exposed
16 nonsmoker, the risk of lung cancer is equal to that
17 of their living with someone who is a smoker; that
18 is, it is equivalent to secondhand smoke exposure.

19 Now, the EPA also has classified diesel
20 fuel as a likely human carcinogen. Long-term
21 exposure to diesel exhaust will increase the risk of
22 lung cancer by approximately 40 percent. So while
23 we associate the pollutants, the ozone,
24 particulates, sulfur dioxide, nitrogen oxide, carbon
25 monoxide with lung disease and impairment of lung

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function, there are a growing number of studies that link these pollutants with hypertension, coronary artery disease, decreased birth weight, neurological problems and other disorders.

During an episode of air pollution in 1985 in central Europe, there was an increase in blood pressure in the general population. This was attributed to particulates and to sulfur dioxide. They also found an increase in blood viscosity. Other studies also found an association between particulates and increase in the heart rate through stimulation of the autonomic nervous system. So if you combine this viscosity, the rapid heartbeat and the hypertension, they all increase the risk of coronary artery disease. And, therefore, it shouldn't be surprising that there is an association between ambient air pollution and cardiovascular deaths.

What about low birth weights? There was a year 2000 report by Johns Hopkins and the CDC and the National Center for Environmental Health that looked at ambient air levels of particulate matter up to 10 micrometers, and sulphur dioxide and carbon monoxide in six cities, and Philadelphia was among

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1 them. They established an association between low
2 birth weight and sulphur dioxide and carbon monoxide
3 exposure. A review of the literature in 2000 noted
4 that intrauterine growth was retarded and that
5 preterm delivery occurred with chronic sulfate and
6 particulate matter exposure.
7

8 Again, when we think of air pollution,
9 we think of asthma. And it certainly is the most
10 common chronic disease of children. Of the 15
11 million people in the United States with asthma,
12 approximately 10 million are children below the age
13 of 16. This represents a 58 percent increase since
14 1980. It is certainly the most prevalent inner-city
15 disease among racial and ethnic minorities.

16 While multiple factors account for this
17 increase in asthma, it is clear that poor air
18 quality exacerbates symptoms in those with the
19 disease. While not the only factor, it is the one
20 that we can do something about. The CDC estimates
21 30 percent of healthcare costs for childhood asthma
22 are due to environmental factors. 30 percent
23 translates to a cost of about \$2 billion a year. In
24 these asthmatic patients, there is a decrease in
25 lung function with exposure to particulates, to

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sulfur dioxide and to nitrogen oxides, which increases bronchial hyperreactivity, and the symptoms correlate with the increased level of these pollutants.

In addition to exacerbating asthma symptoms, a recent study reported by the California Air Resource Board concluded that ozone smog can actually not just exacerbate asthma, but can cause asthma in children. A new study of children in Southern California reports that frequent strenuous outdoor exercise combined with high levels of ozone can more than triple a child's risk of developing asthma. This study, which was published in the Lancet, is the first study to find that air pollution might actually cause asthma, not just aggravate it. Officials of the California Air Resource Board were quick to state that its results applied not only to the six Southern California communities where the study was performed, but also to many cities across the country.

The study also found that children living in communities with higher concentrations of nitrogen oxides, particulate matter and acid vapor have lungs that develop and grow more slowly and

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2 that they are less able to move air through them.

3 This decreased lung development may, for these
4 children, have permanent adverse effects as they
5 become adults.

6 What about children without asthma? A
7 study presented at the November of 2001 annual
8 meeting of the Radiological Society of North America
9 suggest that some children who appear in perfect
10 health nonetheless have measurable lung damage from
11 exposure to air pollution. The study compared the
12 chest X-rays of children living in Mexico City,
13 where pollution exceeds US air quality standards for
14 an average of four hours a day, to children living
15 in a clean air seaside Mexican town where the air is
16 better than Philadelphia. Over 63 percent of
17 apparently healthy children breathing City air had
18 signs of airway obstruction on X-ray. Over 50
19 percent of them had signs of inflammation and 18
20 percent had signs of more advanced damage. Of those
21 living by the sea, only 5 percent had mild
22 obstruction, and none had inflammation or more
23 advanced damage. The researchers from the
24 University of North Carolina, who noted that the
25 study could have been difficult to perform in the

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2 United States because of our high rates of asthma
3 and the high rates of indoor pollution because of
4 carpets and glues, say the same results would apply
5 in the United States as well.

6 I'm giving you just a small example of
7 the respiratory, cardiac and other effects of air
8 pollution, even at ambient levels, that we
9 experience on a regular basis within the City of
10 Philadelphia. So I certainly appreciate the
11 opportunity to present this to you.

12 Thank you very much.

13 COUNCILMAN COHEN: Before you leave.

14 I've always had a particularly high regard for
15 Physicians for Social Responsibilities as an
16 organization because it helped to contradict the
17 views that physicians don't really care about their
18 patients. They live a life by themselves. I would
19 like to see the physicians, maybe in a different
20 name, take a leadership role at least, in this fight
21 on the environment. Because you're in the best
22 position to be believed. You're credible witnesses
23 as to the impact. The rest of us are laypeople.
24 And we can be accused of having political motives or
25 other motives. But physicians, despite the

I think we really have a public health calamitous condition that exists here. And the threat by the Bush Administration to, instead of repairing what needs repairing, they're further damaging it, I think has to be made very clear to everyone.

I think physicians are in an unusual position. You can put pressure on the American Medical Association to take sound positions, and maybe we'll forgive you for physician's generally bad views about medical malpractice. You have a chance to make up for your good work on environmental actions.

I really would like to send that message

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2 back to your group. I think you have wonderful
3 capability of doing so much good, and you've already
4 done so much good in alerting people to the dangers
5 of war and the services that your group performs in
6 so many areas. So I'm delighted you were here
7 today. I would like to see if your minds could go
8 back to work on how you can be creative in alerting
9 people about this danger. It would be a much more
10 pleasant life for physicians if they didn't have so
11 many asthma patients to deal with.

12 DR. CHINITZ: Thank you very much. I
13 appreciate your praise of the organization, and I
14 appreciate the challenge as well.

15 I think that one area where we see our
16 next opportunity involves the medical schools.
17 There are five medical schools within the City of
18 Philadelphia. Within the medical education, within
19 those schools, so little attention is played to the
20 health consequences of environmental contamination,
21 that I think we look to that opportunity as probably
22 one of the first places --

23 COUNCILMAN COHEN: Well, you might come
24 up with a recommendation for changes in curriculum
25 to include that. Because people just think that

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2 environmental hazards are something that nobody can
3 do anything about. But that's not true. We've
4 already made great strides in certain areas on
5 environmental health, but the moment we relax, the
6 forces of greed take over. And it's difficult to
7 say that a private owner of a coal plant ought to be
8 socially responsible as an individual, because he
9 has no way of controlling the situation. But
10 society as a whole can control the situation. And I
11 think physicians can play an enormous role in that.
12 And I would be very happy to work with you. And I'm
13 sure all the organizations that are assembled here
14 would welcome that kind of leadership from the
15 physicians.

16 DR. CHINITZ: We certainly look forward
17 to the opportunity. Thank you very much.

18 COUNCILMAN COHEN: Thank you.

19 The next witness is?

20 MR. KEARNEY: The next witness is Jerome
21 Bayard from the Union of Needletrades, Industrial
22 and Textile Employees.

23 COUNCILMAN COHEN: Identify yourself.
24 Give your name and organization and spell your last
25 name, please.

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2 MR. BAYARD: Good afternoon, Councilman
3 Cohen. Good afternoon, Tim. My name is Jerome
4 Bayard. I'm with UNITE. My last name is
5 B-A-Y-A-R-D.

6 COUNCILMAN COHEN: Very good, sir. Go
7 right ahead.

8 MR. BAYARD: I am here testifying on
9 behalf of 75 percent of my fellow brothers and
10 sisters who do care about the environment and nine
11 northeastern states that have signed on opposing the
12 Bush Clear Skies policy, which has nothing to do
13 with improving air quality or clear skies. I hope
14 that you will be convinced to stand against the
15 President's package. If allowed to take effect, the
16 Administration's rule changes will enable industrial
17 facilities to increase air pollution by enormous
18 amounts without meeting controlled requirements.

19 The safety of not only our surroundings,
20 are very lives hang in the balance. Managers of
21 national parks will lose their ability to protect
22 precious national treasures from haze and acid
23 rain.. State governments will no longer have tools
24 needed to combat smog or soot or toxic pollution of
25 any kind across this great nation. The public will

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2 be held relentlessly at the mercy of polluters in
3 their communities.

4 Some argue that keeping standards put
5 forth some years ago cost too much, thereby causing
6 jobs to be lost in an already challenged economy,
7 and others spouting, "It is a tediously impossible
8 undertaking trying to control levels of pollution."
9 None of these are adequate reasons to repeal
10 protection of air quality. Progression cannot be
11 stopped, although stipulations must be maintained
12 and should be imposed to secure clean air.

13 A few conscientious thinkers proposed
14 and passed the acts pertaining to cleaner air over
15 three decades ago to make air breathable, cutting
16 the cause of thousands of premature deaths, millions
17 of asthma attacks and other pollution-related
18 illnesses every year. Over the length of the past
19 30 years, some 300 million tons plus have been kept
20 from being released into the atmosphere, reducing
21 the harm done annually by sulphur dioxide, mercury,
22 carbon dioxide, nitrogen oxide, to the skies,
23 environment, as well as humans.

24 Our public health and safety are
25 threatened by the plans of Clear Skies, which will

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2 allow industrial facilities to increase contaminants
3 released into the air in an unprotected, unregulated
4 rate, increasing global warming, while delaying
5 clean-ups that should and must be done to eliminate
6 the enormous amounts of pollution traumatizing the
7 air in which we breathe each day. Major plant
8 operations that cost millions of dollars and
9 increase pollution by hundreds of thousands of
10 dollars will be looked at as an every day occurrence
11 and exempted from regulations required by Clean Air
12 for changes that decrease pollution.

13 If this Clear Skies proposal becomes
14 law, air pollution clean-up programs that are
15 currently mandated by law will become deregulated,
16 self-policing fields without any legal authority.
17 These lax guidelines will give an industry the green
18 light to start polluting and destroying our planet,
19 causing health devastation now and for many future
20 generations to come.

21 This deregulation of the clean air
22 agenda is more than politics. It is genuinely a
23 matter of life and death.

24 COUNCILMAN COHEN: Thank you very much.
25 I'm glad to see labor represented here, because so

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2 often labor just goes along with management
3 separately on issues like the environment upon the
4 strange theory that somehow it might make pay
5 increases more likely if the company doesn't have to
6 spend time on safety measures.

7 MR. BAYARD: Yes. I've gotten a lot of
8 flack from some people about that because some say,
9 well, as long as we're working, that's all we care
10 about. But if you're not around to do the work, if
11 you don't look out for the environment -- and
12 personally it involves me because it cut short my
13 paternal grandmother's life by 25 years, air
14 pollution. My maternal grandfather, it cut his life
15 short by at least 12 to 13 years. They died
16 prematurely. She died at 50 and he died when he was
17 just 63, and it was related to the air pollution.

18 COUNCILMAN COHEN: Well, maybe you could
19 wake up the AFL-CIO generally in the City to an
20 understanding that they've got to deal with the real
21 needs of workers. One of the needs is how do we
22 manage to survive in an unhealthy environment. And
23 the only way I know is to make that environment
24 healthier.

25 MR. BAYARD: Yes, sir. I thank you.

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2 COUNCILMAN COHEN: Thank you very much.
3 It's good again to have you here representing UNITE.
4 Maybe they'll make you an ambassador to the other
5 unions.

6 MR. BAYARD: Thank you.

7 COUNCILMAN COHEN: And tell the
8 President of AFL-CIO, who is the head of the
9 asbestos union -- we worked with him over a long
10 time to get Philadelphia to adopt one of the most
11 rigid asbestos removal control laws of any City
12 because we were very concerned about the health of
13 asbestos workers, as well as the health of folks in
14 the general community that might be affected if
15 asbestos removal was done in other than a very
16 healthy way. So he would know -- and he's president
17 of the AFL-CIO in Philadelphia. So I think it will
18 have a ready ear in him in asking him to see that
19 unions begin to get behind this movement.

20 Thank you very much. It was very good
21 having you here.

22 The next speaker is?

23 MR. KEARNEY: The next speaker is Joy
24 Bergey representing the Pennsylvania Interfaith
25 Global Climate Change Campaign, quote, The Religious

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2 Community and Air Pollution, unquote.

3 COUNCILMAN COHEN: This is an
4 interesting approach. I'm anxious to hear it.

5 MS. BERGEY: Well, good. Good
6 afternoon. My name is Joy Bergey, B-E-R-G-E-Y, and
7 I'm with the Pennsylvania Interfaith Global Climate
8 Change Campaign. This is a coalition of the
9 faithful from many religious communities; Jews,
10 Muslims, Christians and Buddhists, as well as Baha'i
11 and others.

12 In each of these religions, God calls us
13 to protect creation, the world and every one of its
14 inhabitants. In Genesis Chapter One, which is the
15 creation story that lies in the heart of Jewish,
16 Muslim and Christian traditions, God tells us that
17 creation is good; worthy of our utmost protection.
18 What else ultimately do we have to support the
19 sacred gift of life?

20 So as the Congress and the Bush
21 Administration debate the future of clean air in
22 this country, the faith community calls on City
23 Council to do all that you can to ensure that the
24 Clean Air Act is strengthened, not weakened. You're
25 hearing much this afternoon about mercury and the

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2 pollutants that lead to smog and acid rain and all
3 their attendant ailments. We in the faith community
4 care deeply about all of these conditions, and we
5 deplore any attempts to weaken the control of the
6 pollutants that contribute directly to the death and
7 chronic illnesses of so many Philadelphians.

8 People of faith are called by their
9 faith to aid those who are suffering. We must clean
10 up these dirty power plants. We must end the
11 unnecessary suffering of our people.

12 In addition to the pollutants already
13 mentioned, the Pennsylvania InterFaith Climate
14 Change Campaign is tremendously concerned by carbon
15 pollution. Carbon dioxide is the leading cause of
16 global warming. And old, dirty coal-fired power
17 plants are a leading cause of carbon pollution. Our
18 state has so many of these plants, as do neighboring
19 states upwind from us.

20 Pennsylvania ranks fourth worst in
21 carbon pollution in the United States. And our
22 state alone emits more greenhouse gases than 101
23 developing countries combined. That's just
24 Pennsylvania.

25 So what if we were to do nothing in this

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2 country about climate change? The world would grow
3 gradually warmer -- and, in fact, has already warmed
4 up a degree or two -- and will continue to warm
5 unless we change our ways. So what's the big deal?
6 Wouldn't this mean milder winters? And who but the
7 kids would complain about fewer snow days? Now, a
8 few degrees may not sound like enough to worry
9 about, but it's not few degrees. It's the steady
10 warming that leads to instability in the climate,
11 with dramatic weather disruptions. Our actions, in
12 fact, are leading to changes in the weather. But
13 these changes are not irreversible. And if we act
14 responsibly, sooner rather than later, we can slow
15 down and eventually reverse global warming and the
16 weather changes. We have the know-how and resources
17 to do this. And we have a responsibility to care
18 for the home that God has given us. And to keep it
19 healthy for future generations.

20 Countries around the world are already
21 addressing carbon pollution through the Kyoto
22 Protocol, and yet our Congress and our President
23 refuse to sign on to this international treaty that
24 calls for reducing carbon pollution. It will cost
25 too much, they say. It will hurt our productivity,

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2 they say. In actuality, the facts tell quite a
3 different story. When we balance the costs of
4 cleaning up smoke stack pollution with a total cost
5 of premature deaths, healthcare and missed work
6 time, the total monetary benefits of cleaning up our
7 power plants would be over \$100 billion a year.
8 \$100 billion, with a B.

9 Global warming becomes more difficult to
10 manage the longer we wait. If we don't act, we will
11 see more frequent and drastic weather changes.
12 Hurricanes and winter storms will be more likely
13 more severe, resulting in more storm-related deaths
14 and damage to buildings and infrastructure.

15 Heat-related summer deaths, already a
16 big problem in this City, in Philadelphia and
17 Pittsburgh, are projected to rise from about 170 per
18 year, to more than 300 people per year. Climate
19 impacts are likely to fall more heavily on low
20 income persons and children, elderly and persons
21 with chronic respiratory problems.

22 There is some good news by the way.
23 Global emissions dropped by a half a percent in
24 2002, which was largely the result of the other
25 nations who have already signed on to Kyoto

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2 Protocol. Think what could be accomplished if the
3 US was part of the solution, rather than the biggest
4 problem.

5 It is critical that we regulate carbon
6 dioxide, and the Clean Air Act is an excellent place
7 to begin this process.

8 We in the faith community seek justice
9 for all God's people by addressing climate change
10 and the carbon pollution it's causing. We must
11 stand in solidarity with the poor who will not have
12 the resources to adapt to these changes.

13 We seek justice for future generations
14 who will be adversely affected by rising sea levels,
15 more drought and increases in vector-borne diseases,
16 like malaria and West Nile virus.

17 Humankind fills a unique role as
18 guardians of creation. When Jews and Christians
19 look to the bible, Proverb 23 tells us that "without
20 vision, the people will perish." Our national
21 leadership has little vision around the issues of
22 energy independence and conservation. The president
23 acknowledges that global warming is real,
24 reluctantly agreeing that humans have something to
25 do with its cause, but his response is that we

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2 should simply get used to it. The president wants
3 industry to voluntarily reduce carbon emissions.
4 This has proven insufficient. In the decades since
5 the federal government first called for voluntary
6 action to reduce carbon emission, greenhouse gas
7 emissions have increased 14 percent, and that's
8 according to the EPA.

9 At stake are the future of life on
10 earth, the sustainability of our economy and public
11 health and the quality of life we bequeath to our
12 children and grandchildren. Religious leaders and
13 laypeople alike in Pennsylvania are increasingly
14 speaking with one voice to call for government
15 policies that promote energy conservation and
16 sustainability.

17 We are deeply heartened that City
18 Council, under your leadership, Councilman Cohen,
19 are taking this issue seriously. We are filled with
20 hope that our voices and actions, together with
21 yourself, can move this country in the right
22 direction. The direction of justice and fairness
23 for all. Justice is one of the most deeply held and
24 oldest values of this nation. Justice is what God
25 calls the faithful to work for. Justice means

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2 acting responsibly and acting now to turn the tied
3 on global warming.

4 Thank you.

5 COUNCILMAN COHEN: Thank you very much.

6 COUNCILMAN COHEN: I think that you can
7 lend a tremendous amount to the movement that people
8 have a right to health, that it's a right which no
9 one can take from them, and anyone in political life
10 who ignores it ought to do so at their own peril of
11 no longer remaining in political life. We'll help
12 you in that regard. Thank you very much.

13 We're about halfway through the
14 testimony today. Could you explain where the wash
15 rooms are, if anyone uses them. And we'll get back
16 in five minutes. I will steal off to a private
17 office and have a BLT sandwich too, in the meantime.
18 Can we take a five minute recess? I think everybody
19 can stand a little walk and a little stretching, and
20 we'll be more awake. Thank you.

21 (Brief recess.)

22 COUNCILMAN COHEN: The Committee on Law
23 and Government is back in Session. In the Jewish
24 language, today is Erev Yom Tov, which means it's
25 just a few hours before the beginning of the

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2 Passover holiday, and so my time is going to be
3 limited to hearing about just another hour, and then
4 I've got to leave for what we call the first Seder.
5 And so please forgive me if I don't ask too many
6 questions this afternoon. I think this is
7 enormously important, and I welcome the renewed
8 vigor with which I understand people are approaching
9 this question today. If the hearing is not over by
10 then, I am going to ask that Councilman Ortiz or Tim
11 Kearney, my director, stay here and complete the
12 hearing because we want to get a full record. And
13 then I'm hopeful of preparing a report for the
14 public, a report by the Committee on Law and
15 Government, which I hope will be enacted by the City
16 Council as a body. I will be presenting it to the
17 City Council for approval. And I would like that to
18 be done sometime before we recess in the middle of
19 June. I would hope that sometime in May we could do
20 that.

21 I would hope it would take the format of
22 something that might be publishable for widespread
23 distribution as the findings of the City Council of
24 the City of Philadelphia and useful in the fight,
25 not only against the efforts of the current

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2 Administration in Washington to try to continue
3 relaxing -- actually, almost obliterating the
4 standards that exist for clean air, and that would
5 be useful in educating people out in the
6 communities. So we'll be asking for all your
7 support and guidances as to the form of the report.

8 Having said that, that's a warning to
9 you that if you're called upon, please help us in
10 the Committee to produce what we would like to have
11 as a readable report that is scientifically sound
12 and that begins to wake up people in the country as
13 to why folks back home in the small communities that
14 don't legislate on national things must inform their
15 national and their state legislatures of their
16 feelings in the local communities, and why this is
17 as important as any issue that's ever been presented
18 to the United States before.

19 Thank you very much.

20 The next witness will be?

21 MR. KEARNEY: The next witness will be
22 Jonathan Sinker of the Clean Air Council.

23 MR. SINKER: My name is Jonathan Sinker.
24 I am the Field Organizer for the Clean Air Council.

25 Clean Air Council is committed to the

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position that everyone has a right to breathe clean, healthful air. Founded in Philadelphia in 1967, the Council is the oldest member-supported organization in Pennsylvania. The Council's team of attorneys, community organizers and policy analysts focus their efforts on the following key areas: Clean Air Act implementation, clean energy, sustainable transportation, waste reduction and recycling, indoor air pollution and children's environmental health.

Thank you for inviting the Council to testify at this important hearing. Over the last 35 years, Clean Air Council has had numerous opportunities to work with City Council to better protect the health and welfare of Philadelphians. City Council should be commended for holding this critical hearing.

I will limit my testimony today to the health threat from mercury emissions from old, dirty power plants. In regards to mercury emissions, the Bush Administration's proposal is far too little, far too late.

Across the United States, mercury air pollution from coal-fired power plants contaminates

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2 our lakes, rivers and oceans. Toxic mercury
3 emissions deposit from the air into water bodies and
4 then concentrate in fish. Eating
5 mercury-contaminated fish damages brains and the
6 nervous system of children, and can harm
7 cardiovascular and immune systems in adults.

8 The Bush Administration's air pollution
9 plan would rewrite our country's clean air laws to
10 weaken health protections for millions of Americans.
11 The Administration's plan would allow power plants
12 to continue emitting far more mercury pollution for
13 decades longer.

14 Coal-fired power plants are the nation's
15 largest mercury source, responsible for one-third of
16 the mercury air pollution from US industry. Power
17 plants are the only major mercury polluters still
18 unregulated for mercury under Federal Clean Air
19 Laws.

20 Two major Environmental Protection
21 Agency reports to Congress document how mercury air
22 pollution contaminates our lakes, streams and other
23 water bodies, concentrates in fish, and causes
24 serious health risks for pregnant women and children
25 who consume those fish.

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2 Nationally, 44 states and territories
3 had issued fish consumption advisories for mercury,
4 warning citizens to limit how often they eat certain
5 types of fish because the fish are contaminated with
6 mercury. 17 states have issued mercury advisories
7 for fish in every inland water body. 10 states have
8 issued advisories for canned tuna, and eight states
9 have issued coastal water advisories, warning
10 consumers about eating king mackerel, another fish
11 species known to have high levels of contamination.
12 According to the EPA's latest Toxics Release
13 Inventory published in 2000, Pennsylvania ranked
14 number one in mercury emissions from coal burning
15 power plants. This issue is especially significant
16 with the start of fishing season last week.

17 Across the US, mercury pollution has
18 contaminated 10.2 million acres of lakes, estuaries
19 and wetlands, and 415,000 miles of streams, rivers
20 and coasts.

21 Methylmercury, the form of mercury that
22 contaminates fish, is highly toxic, interfering with
23 the development and function of the central nervous
24 system. Infants can ingest methylmercury from
25 breast milk when mothers have eaten contaminated

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fish. Children are exposed when they eat such fish. Children and infants are at higher risk of mercury poisoning because their nervous systems continue to develop until about the age 14. Health effects linked to methylmercury exposure include poor performance on tests of attention and language impaired memory, inability to process and recall information, and impaired visual and motor functions.

A Centers for Disease Control and Prevention report in January 2003 found that 1 in 12 women of childbearing age has mercury levels above EPA's safe health threshold. Nationally, this translates into nearly 4.9 million women of childbearing age with elevated levels of mercury from eating contaminated fish, and approximately 322,000 newborns at risk for neurological impairment from exposure in utero.

Current laws require EPA to issue "maximum achievable control technology," also known as MACT standards, for coal-fired power plants with compliance due by the end of 2007. In December 2001, the EPA told the Edison Electric Institute that the Clean Air Act's MACT standard could reduce

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power plants' mercury emissions by 90 percent, from 48 tons to five tons nationwide by 2008. The Bush Administration's plan would weaken the Clean Air Act. It delays any mercury reductions to 2010, and then allows 26 tons in 2010 and 15 tons in 2018. That's more than five times as much power plant mercury pollution through 2017 and three times as much mercury each year after that, indefinitely. From 2008 through 2020, that's 284 tons more mercury under the Bush plan.

The Bush plan would allow unrestricted emissions trading. This means that some power plants may not have to reduce their emissions at all. Instead, they could buy mercury emission credits from other power plants and do nothing to stop contaminating the local lakes and streams. Some plants could even increase their mercury emissions. Because mercury trading could lead to toxic hot spots where mercury contamination increases, other legislative proposals, notably the Clean Power and Clean Smokestacks Acts bar trading in mercury emissions.

Independent tests to date indicate that 90 percent removal of mercury will be

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technologically and economically feasible. Some air pollution controls are achieving reductions of more than 90 percent right now. History also reminds us that the substantial technological improvements and a steady reduction in control costs occur only when strong standards are set.

Clean Air Council calls on Philadelphia City Council to address President Bush's air pollution plan. Philadelphia already suffers from poor air quality. The President's plan will only exacerbate this situation.

Thank you.

COUNCILMAN COHEN: Thank you very much.

Mr. Kearney.

MR. KEARNEY: When you mentioned that 90 percent of the mercury could be taken out of the power plant emissions, physically how do this they do that? Is it with what we've always called scrubbers, or is there a different way?

MR. SINKER: There's a different technique, and I would rather send some information to you. It's pretty technical. I don't fully understand it myself.

MR. KEARNEY: Mr. Fine, I saw you nod

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2 your head. Can you tell us the answer?

3 COUNCILMAN COHEN: Please come forward,
4 Mr. Fine.

5 MR. FINE: I think the devices are
6 called selective catalytic reduction units, SCRs,
7 that are most efficient in removing pollutants,
8 including mercury.

9 COUNCILMAN COHEN: Thank you very much.
10 Thank you for your testimony.
11 Christine Knapp of the Clean Water
12 Action.

13 MS. KNAPP: Good afternoon. My name is
14 Christine Knapp, K-N-A-P-P. I'm a program organizer
15 for Clean Water Action, a grassroots environmental
16 group advocating for better environmental policy
17 here in Philadelphia and throughout the state. We
18 currently represent about 5,000 residents of
19 Philadelphia.

20 Since the early 1990s, Clean Water
21 Action has worked with residents of South and
22 Southwest Philadelphia who are concerned with their
23 air quality. In my time working with these
24 residents, I have heard of many possible solutions
25 to help clean up the air in Philadelphia. I believe

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2 that improving air monitoring and setting ambient
3 air quality standards for toxics are two steps that
4 City Council can take that will be most effective in
5 addressing this issue.

6 Residents of South and Southwest
7 Philadelphia live in close proximity not just to the
8 large Sunoco Refinery, which is the largest polluter
9 in the City, but also another 250 facilities listed
10 in federal and state environmental regulatory
11 databases. Included among these facilities are
12 trash transfer stations, autobody shops, dry
13 cleaners, a sewage treatment facility, soil
14 remediation sites, junkyards, chemical plants an
15 airport, two large highways and 12 Superfund sites.
16 Living in this area, residents are exposed to a
17 toxic soup of multiple chemicals, the health effects
18 of which for many of them are unknown.

19 Last year Clean Water Action and the
20 Community Labor Refinery Tracking Committee began
21 the South and Southwest Philadelphia Bucket Brigade.
22 The Bucket Brigade is a simple but effective tool
23 that dozens of communities across the country are
24 now using to take air samples in their own backyard
25 to find out for themselves what chemicals are in

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2 their air. This is the bucket right here. It's
3 fashioned with a bag, vacuum and valves, and it will
4 trap a few liters of air inside the bag, which is
5 sent to the lab for analysis. I'll show you the
6 bag.

7 Over the last year we have taken nine
8 samples in the neighborhoods surrounding the Sunoco
9 Refinery and we have detected a total of 54
10 different chemicals. The reason that the Community
11 Labor Refinery Tracking Committee became involved in
12 the Bucket Brigade was because they suspected that
13 not enough was being done to protect the safety of
14 their air.

15 Currently, City residents rely on Air
16 Management Services for enforcement of the
17 Philadelphia Air Management Code, as well as state
18 and federal regulations controlling air pollution.
19 AMS plays a vital role in monitoring City air and
20 insuring that the air we breathe is safe. Yet we
21 have reason to believe that this monitoring is not
22 enough. I'd like to make it clear that I am not
23 attacking AMS for failing to do their job. We meet
24 with officials from AMS regularly, and I do believe
25 that they understand and are willing to help us with

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2 the issues our City faces regarding air quality.

3 They are simply underfunded and understaffed, and I
4 do believe they are trying to do the best they can
5 with what resources they have.

6 There are currently only 14 air monitors
7 located in Philadelphia. Only two of these are
8 located in South and Southwest Philadelphia, which
9 might be effected by emissions from the Sunoco
10 Refinery. Only one of these two monitors is
11 downwind from the refinery, and that one is 3.5
12 miles away from it. This monitor also does not
13 monitor for sulphur dioxide, which is one of the
14 largest emissions that comes from the Sunoco
15 Refinery. Since the majority of industries in
16 Philadelphia are located in South and Southwest
17 Philadelphia, I do not believe it's effective to
18 only operate two out of the 14 monitors in these
19 neighborhoods.

20 In addition, Air Management Services
21 does not monitor for all the chemicals they know
22 that are released by local industry. For example,
23 almost 24,000 pounds of MTBE, Methyl Tertiary Butyl
24 Ether, was released into the air by just the Sunoco
25 Refinery in 2000. MTBE is a suspected carcinogen

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2 and has been implicated in the contamination of
3 water wells across the country that have been known
4 to make neighborhoods sick. Yet AMS does not
5 currently monitor for MTBE to determine if the
6 amount of this chemical that is being released into
7 the air is safe for residents to breathe. In fact,
8 of the 54 chemicals that the Bucket Brigade has
9 detected in the last year, only six are monitored
10 for by Air Management Services.

11 They also do not routinely take air
12 samples in response to citizen odor complaints or
13 other events. They rely on data collected from
14 their stationary monitors, which can be located
15 miles away from the actual polluting facility. When
16 residents file complaints, they receive no
17 information about what they could be exposed to or
18 what caused the odor or visible emission. If your
19 tap water turned brown in Philadelphia, you could
20 easily get somebody to come look at your tap water
21 and possibly to take a sample of it to find out if
22 it was safe. Yet if you have an issue with your
23 air, if it smells like rotten eggs or if you see a
24 yellow cloud, it's harder for you to get that same
25 type of information. It is crucial that AMS and

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2 other regulatory agencies take regular samples
3 around facilities and in response to resident
4 complaints so that people can learn what they are
5 being exposed to.

6 The fire at the unpermitted dump beneath
7 the Platt Bridge has brought a lot more attention to
8 the question of air quality and safety in
9 Philadelphia. For months, possibly years, this dump
10 has been smoldering, further polluting the air of
11 South and Southwest Philadelphia. Yet no one from
12 the City informed the public of this potential
13 health hazard, nor did Air Management Services
14 detect any harmful chemicals coming from the site.
15 A sample taken by the Bucket Brigade found levels of
16 the carcinogens benzene and tetrachloroethane that
17 exceeded the EPA Region III Risk Based Concentration
18 by more than 150 percent for benzene and 50 percent
19 for tetrachloroethane. Six other toxic chemicals
20 were also detected in that sample. But according to
21 City officials, their results have not shown any
22 harmful levels of chemicals. Residents are now
23 asking themselves, what else has been going on that
24 they didn't know about. If a problem of this scale
25 has been releasing benzene and other chemicals into

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2 the air for months without detection, it's
3 frightening to think what else might be out there
4 right now. This situation has highlighted the fact
5 that City monitoring is inadequate in dealing with
6 the large scale air quality problem in this City.

7 A larger issue facing Philadelphia is
8 the lack of ambient air quality standards for
9 toxics. Many people assume that, like for their
10 water, their air must meet certain standards to
11 protect their health toxic standards. However, this
12 is not the case. Pennsylvania State nor
13 Philadelphia County have any ambient air quality
14 standards for any toxic chemical. Currently air
15 toxics are regulated facility by facility,
16 controlling emissions to a certain level from each
17 one. Unfortunately, in an area like South and
18 Southwest Philadelphia where there are dozens of
19 industries in one small area, this approach is
20 inadequate. There are 250 facilities in South and
21 Southwest Philadelphia alone that are listed in
22 federal and state environmental regulatory
23 databases.

24 Other states, such as Texas and
25 Louisiana, are beginning to set ambient air quality

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standards for toxics. Texas has established "Effect Screening Levels" for many air toxics which alert air pollution staff to conduct an in-depth review if levels are exceeded to see if there is a problem which should be addressed. We currently have no such standards which would alert government agencies and the public that their air is unsafe. Standards must be developed to evaluate when the cumulative impact of many industries reaches a point that threatens the public's health.

In summary, there is much that City Council can do to help reduce air pollution in Philadelphia and to protect the health of residents who live near industries. Improving City monitoring to include more regular monitoring around facilities and in response to resident complaints, adding additional monitors and testing for more chemicals would all help ensure that Philadelphia's air is safe and healthy.

Regulatory agencies should also take into consideration the cumulative effect of how several industries in one area can affect the neighboring communities. Research should be conducted to set standards for ambient air toxics to

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2 ensure that unsafe levels of chemicals do not lead
3 to increased rates of asthma, cancer and other
4 illnesses in our communities.

5 Of course we cannot ask any City agency
6 to do more without providing them with more
7 resources. Members of Council can help Philadelphia
8 regain its air by making air quality a priority and
9 adequately funding Air Management Service so that
10 they can improve their monitoring. Money should be
11 set aside for the Health Department to conduct
12 research and develop ambient air toxic standards to
13 protect the health and safety of our air.

14 Thank you for your time.

15 COUNCILMAN COHEN: Thank you very much.

16 I understand there were two
17 representatives from Sunoco here before. In
18 preparation for hearings, the general procedure is,
19 of course, that people who produce the legislation,
20 either a proposed Ordinance or Resolution, in this
21 case myself, always prepares a list of witnesses who
22 are going to speak in support of whatever the Bill
23 or Resolution proposes. But no Council hearing ever
24 ends without a call, are there any other people who
25 wish to be heard. Also, the proposed hearing is

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2 advertised in the press and the industries are all
3 very well informed and they follow much more closely
4 than citizens generally do. So don't feel that this
5 is a one-sided presentation. This Committee would
6 have been happy to have heard the Sunoco
7 representatives or any others from industry, if they
8 wish to be heard. And I usually take it to mean
9 that people who don't wish to be heard don't have
10 too much confidence in the soundness of their
11 positions and, therefore, don't want to present it
12 publicly. But if Sunoco is here or any other --
13 PECO or any representatives, they will be heard.

14 They had two ways of being heard. One,
15 had they communicated with City Council, they could
16 have gotten on the official witness list. Or,
17 second, they could just wait until the end of the
18 call of the regular witness list and then respond to
19 the question, are there any other witnesses to be
20 heard. So this is not a one-sided presentation.
21 This hearing today was open to everybody in the City
22 of Philadelphia or anybody anywhere who happened to
23 be here at today's event would have been heard.

24 I don't know whether there is anybody
25 yet in the audience from industry, but if you want

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2 to testify and haven't asked, you will have an
3 opportunity at the end of this hearing.

4 Thank you very much.

5 I'm going to ask that three people come
6 up together. Mabel Mallard (ph) on the Right to
7 Know Committee.

8 This Council took unusual action to see
9 that a Right to Know law was passed in connection
10 with environmental matters. She's going to speak on
11 community impact on South Philadelphia from air
12 pollution.

13 Then I'm going to also ask that she be
14 joined by Al Capparelli (ph) and Sarah Kurnes, who
15 are from the Community Labor Refinery Tracking
16 Committee, and they're going to speak on their
17 10-year struggle for air pollution and worker relief
18 in Philadelphia. I won't be surprised if they both
19 talk about South Philadelphia.

20 Mabel Mallard first.

21 MS. MALLARD: Thank you. Councilman
22 David Cohen, this is my first time speaking before a
23 public arena, but I'm trying to thank you in advance
24 for giving me this opportunity to speak.

25 I represent a group of ex-workers who

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worked at the Defense Personnel Center. As well, I represent the community of the surrounding area in South Philadelphia. There is a known pollution problem in our area and it has been that way for years. Christine spoke of the fire burning, and it's burning for 13 years, I understand. And this fire is just one of the problems that is related to South Philadelphia alone. The plume, 60 acres of oil floating on the water tablet, that's been there for years.

The purpose and goal of our group, the Right to Know Committee, is to alert and make aware to the people living within the neighborhood the threats of the environment releases in the air, the water, and basically your home. Our homes have been contaminated through releases. Take for instance, in 1994, Sunoco, they released 70 tons. There was a release of 70 tons of silica aluminium that traveled all through Philadelphia, though they told the people, there's no harm. It was no problem in that release.

I have went researching and researched the census tract South Philadelphia in 1990. There was 27,000 population in South Philadelphia. As of

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2 the year 2000, there's only 22,000 in the population
3 in South Philadelphia. That's a difference of at
4 least 5,000. I am concerned. Those people, are
5 they sick? Have they moved out because of the air,
6 because of sickness? I and our group have started a
7 survey, and this survey is basically looking for the
8 symptoms. And what we want it to lead to is
9 bio-monitoring. Most people hear about the
10 biochemicals, but there's such a thing as
11 bio-monitoring, which takes into consideration the
12 blood and the urine of people who have been exposed
13 to see how much of the chemicals that are causing
14 illnesses, such as was mentioned, asthma -- cancer
15 is three times higher in the area of South
16 Philadelphia. Southwest Philadelphia can't
17 discontinue because -- just because it's one area
18 doesn't mean it doesn't affect the whole. Because
19 we have been subject to so much illnesses.

20 I, in particular, living and born in
21 South Philadelphia over 50 years. As a child, I
22 know the difference of the air quality. And as a
23 young mother raising four children I know the
24 difficulty of how it has been to raise them. And I
25 also know the difficulty of working in a

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2 contaminated place, which is the Defense Personnel
3 Center.

4 I think you may be aware of the asbestos
5 problem there, Mr. Cohen.

6 So to make a long story short -- and I
7 am trying to do this because this is something that
8 has been going on for years. It's not something
9 that happened overnight. It's going to take a long
10 time to try and straighten it up. And we may never
11 straighten it up. They are trying to pull 3.6
12 million gallons of this plume over a 60-acre area in
13 South Philadelphia, also under the expressway. Now
14 they're recycling this oil, making money off it, but
15 the people who have been affected by this have not
16 been given any kind of consideration.

17 So what I'm asking the Council to do, if
18 possible, is to help bring those environmental
19 doctors and have these tests to see the amount of
20 chemicals that the people living in the closest
21 area, how it is affecting our children.

22 I have a son. He has seizures and has
23 had seizures since he was 18. I did not know and do
24 not to this day know what has brought this on with
25 him. Now he's 40 years old. He still suffers with

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2 these seizures. And it's basically chemicals.

3 I lived in the Tasker Homes projects.

4 That is, like, right next door to Sunoco. I was
5 living there at the time when they had the fire that
6 lasted for seven days. Mr. Rizzo knows because his
7 father was there. But that fire that went on for
8 seven days was releasing those same particles that's
9 been talked about. And for seven days most of those
10 people who were involved, going out of their homes,
11 sitting on the steps while this stuff was coming
12 down, are no longer around, have suffered with
13 cancer.

14 I would like to see -- and I have put a
15 proposal to have the Health Department in the City
16 of Philadelphia to help those who live in the
17 neighborhood to do investigating -- to investigate
18 the chemicals. To investigate the companies within
19 your neighborhood and what are they releasing. Not
20 only Sunoco. According to research, it's 20
21 facilities in the area of South Philadelphia alone
22 that release tons of ammonia, sulphur dioxide. You
23 name it. I'm just a mother who is trying to live in
24 an area that I know is contaminated. I know it's a
25 risk. But how to live with this risk. And this is

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2 what's been my goal for over 10 years. I have
3 struggled. I have to look out my window to see
4 which way the wind is blowing to know what way these
5 chemicals are blowing towards my house. What
6 windows do I shut? Do I go outside? I don't go
7 outside. I don't sit outside.

8 So this is part of what it is to live,
9 as they say, on the fence. And living on the fence,
10 you became aware of a lot of things. I have.
11 Because when I was raising my children, I had to
12 notice what the weather was in order to dress them
13 to go out. Since they're grown, it never stopped.
14 I have been observant of my surrounding, either
15 outside and inside.

16 And to start awareness to the people in
17 my community, we have started having meetings. I'm
18 under the support of PhilaPosh (ph), who has given
19 me the support since '97, the groups, the workers
20 and the residents, we meet there every three months.
21 I have traveled to network with other groups who
22 have the same interest. It's coming about. And
23 this hearing is the best thing for people in the
24 community, because then we know that maybe there are
25 people who do care about the situation, who can help

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2 us. And that means bring the experts down to the
3 level of the grassroots. Bring them to help us
4 evaluate just what it is and how to cope. How to
5 cope, because eventually it will tear you down.

6 I mean, look at the houses and the
7 paints in you home -- I mean on the street, it
8 becomes corrosive. The paint start peeling off. It
9 is from the acid rain. You can take whatever you
10 look at in South Philadelphia, you can see where,
11 somewhere along the line, they're struggling to
12 survive. The trees -- I observe everything. I
13 moved on my block 20 years ago. There was a young
14 tree in front of my door. And maybe it seems
15 strange, but I always was an observant person, even
16 as a child. And I noticed my tree -- I call it my
17 tree because it's what I look at every day. It's
18 developing properly. There's nothing wrong with it,
19 but there's other trees in the neighborhood that are
20 dying.

21 COUNCILMAN COHEN: Ms. Mallard, your
22 testimony shows why it's so urgent that we take
23 action along the lines proposed here today.

24 I'm going to ask Mr. Fine, does the City
25 have any information on this matter?

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2 I know I've been down in South Philly at
3 a number of meetings that were held with respect to
4 this question of the plume.

5 What is the City's response to the
6 situation that Ms. Mallard is calling our attention
7 to?

8 MR. FINE: Well, the City has been
9 involved in what they call the Restoration Advisory
10 Board meetings that are held once every two or three
11 months listening to the people there that are
12 testifying about their concerns. And we've also
13 been involved from -- at least my unit. I can only
14 speak for Air Management Services. That we've been
15 involved in looking at the kinds of technology that
16 is being employed to remove the subterranean oil and
17 in controlling any fumes or vapors that may be
18 released into the atmosphere.

19 COUNCILMAN COHEN: Does the City contest
20 in any way the statements Ms. Mallard is making
21 about the conditions under which she and her
22 neighbors are living? Or does the City accept that,
23 but has not come up with any response, any effective
24 response, moving towards health?

25 MR. FINE: I believe the City has taken

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2 on doing health assessments for those that --

3 MS. MALLARD: Only six people responded
4 to the health survey that was done by the City for
5 the people of Passyunk Homes. There were 600 people
6 removed from that area because of the plume. And
7 only six people responded because at that time they
8 had moved them all over. So the survey that was
9 done does not reflect the people.

10 COUNCILMAN COHEN: I'm going to ask Ms.
11 Mallard, that before we complete the budget process,
12 City Council, which has to be done by the end of May
13 at the very latest, that the Health Department,
14 including the Health Department generally, as well
15 as your unit and Ms. Mallard, appear before City
16 Council so we can get a grip of it. I've got to
17 find out whether the City is really doing something
18 about it, or whether these are the kind of actions I
19 engaged in during trash to steam days, which stopped
20 that terrible trash to steam plant from being built
21 in South Philadelphia. That would have been
22 intensified all of your problems.

23 MS. MALLARD: We can't take no more.

24 COUNCILMAN COHEN: We've got to clear up
25 this thing because it's been years since the plume

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2 has been around. I remember going to one meeting --
3 I couldn't follow the expert testimony because it
4 seemed to be there not for the purpose of helping
5 people, but just to cloud everything up and make it
6 very difficult to get a handle on.

7 But I think, Ms. Mallard, the hearing
8 today is not on that phase of it, but we're glad you
9 took advantage of the opportunity to bring it to our
10 attention. And we're going to be moving to try to
11 give help to your community. You certainly deserve.

12 MS. MALLARD: Thank you.

13 COUNCILMAN COHEN: So thank you, Ms.
14 Mallard, and thank you, Mr. Fine.

15 Sarah Kurnes.

16 MS. KURNES: Yes. My name is Sarah
17 Kurnes, K-U-R-N-E-S. I represent the Labor Refinery
18 --

19 COUNCILMAN COHEN: Is Al -- is the other
20 gentleman here?

21 MS. KURNES: Al was not able to make it.
22 He wasn't feeling up to it.

23 As Mrs. Mabel Mallard had mentioned
24 about the accident from the Sunoco Refinery back in
25 1994, since then I have been suffering with heart

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2 disease. And as far as Mr. Fine's findings about
3 the air improving, I kind of doubt it myself because
4 of what's been happening to me personally. And a
5 friend sent me this -- this was in 1999, which is
6 only a couple years ago -- "The Pollutions Laced the
7 Philadelphia Air."

8 Now, according to this article, they
9 said, "The Philadelphia region is exceeding federal
10 guidelines by more than 200 times in some places."

11 In the other part of the article it
12 talks about, "the EPA's health guidelines by at
13 least 15 times in every town, and up to 300 times in
14 the City." That's how bad the pollution is in my
15 area.

16 Now, I have to say it's the refinery
17 because I know I was a healthy person when I moved
18 into this area. These pictures that you're going to
19 see are taken from my bedroom window, with the
20 window not even being open. She mentioned about
21 opening windows. Since the accident in '94, I
22 wouldn't dare open a window. What I have coming in
23 with my windows closed, the Air Management people
24 took a sample of it, and I have some samples myself.
25 I'm sorry I didn't bring them so that I could show

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2 you what I'm finding on my bedroom window sills with
3 my window closed, which I am breathing into my
4 lungs.

5 Now, that will give you credibility as
6 to this arm and leg weakness. It's a known fact
7 that the benzene is causing this problem that I'm
8 having. I feel like I lost my legs. I have no
9 strength in my arms. The benzene on two different
10 occasions caused me to black out. I've had the
11 heart disease since '94 when they had the aluminum
12 silica. All my cookware is stainless steel. They
13 try to say that Alzheimer's and short-term memory
14 comes from aluminum. You're cooking with aluminum.
15 No. I've been using stainless steel cookware for
16 years. As long as I've been living in that area
17 I've been using my stainless steel. I have nothing
18 aluminium. So it's not coming from my cookware.
19 It's coming from what I'm inhaling.

20 My sinuses are bleeding just about every
21 day of my life. I'm sitting here right now with
22 sinus pain because I happened to get in a cab that
23 had an air freshener. I have no life because I have
24 become -- it's called an environmental illness,
25 multiple chemical sensitivities. I've become

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2 allergic to everything in the environment. I was
3 not like that when I moved into Southwest
4 Philadelphia. I was a very active person. I went
5 bowling a couple nights a week. I hung wallpaper.
6 I painted walls. I just was a very, very active
7 person, and now I can do nothing. I have to pay for
8 everything that I need done. I have to pay somebody
9 to come in to help me with just everyday chores.

10 I'm completely fatigued. One day the
11 ammonia smell was so bad from the refinery that I
12 actually took a stroke from the ammonia. When I got
13 out of my shower in my bathroom, my bathroom door,
14 the sulphur hits me in the face, and my windows are
15 closed, and yet the sulphur is still coming in my
16 house with the windows closed.

17 So when they talk about weakening the
18 Clean Air Act, no. If anything, you have to
19 strengthen it for everybody so that they all don't
20 become like I am right now.

21 COUNCILMAN COHEN: I'd just like to add
22 when we deal with the problem that Ms. Mallard
23 raised and bring the Health Department in to discuss
24 it, I'd like it if you could be here, so that we
25 could include that also in the questioning. Because

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2 you two are real life witnesses of what happens if
3 we don't do the right thing on protecting the
4 environment.

5 So I want to thank both of you for
6 coming and bringing this to our attention. I'm
7 going to direct Mr. Kearney, who is on my staff, to
8 ask the City Council President to bring back the
9 Health Department on these matters raised by Mrs.
10 Mallard and Mrs. Kurnes.

11 Thank you very much.

12 Mr. Fine, this will give you advanced
13 opportunity to tell Dr. Domzalski that these
14 questions are going to be raised, and we'll
15 appreciate your cooperation. Thank you.

16 Karen Conaghan. Is that how you
17 pronounce your name?

18 MS. CONAGHAN: Yes.

19 COUNCILMAN COHEN: You're going to have
20 to spell that name for the reporter. Identify
21 yourself.

22 Would you and the next two witnesses
23 after that, including Nathan Williams of
24 PennEnvironment and Roger Smith of the Sierra Club
25 -- I would like very much to hear your testimony,

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2 but I'm really going to have to leave, but I don't
3 want to postpone the hearing, so I'm going to ask
4 Mr. Kearney to conduct the hearing so we can
5 complete it today and be in a position to prepare a
6 preliminary report to present to City Council. So
7 forgive me, but I've really got to leave for what I
8 mentioned is the first Seder.

9 Mr. Kearney, would you be good enough to
10 continue the hearing until the end? There are three
11 more witnesses. And then at the end, the question
12 Mr. Kearney will raise, is there anybody else who
13 wishes to be heard, and any additional witness will
14 be able to come.

15 Is that agreeable to everybody? Because
16 I think it's important that we move quickly on this
17 and that we complete the hearing today.

18 Mr. Kearney.

19 MR. KEARNEY: Thank you, Councilman
20 Cohen.

21 Ms. Conaghan, if you're ready, please
22 repeat your name and spell your last name for the
23 stenographer, and then start your testimony. And
24 keep the microphone close.

25 MS. CONAGHAN: Good afternoon. My name

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2 is Karen Conaghan. That's spelled C-O-N-A-G-H-A-N.
3 I represent the League of Conservation Voters
4 Education Fund. Last summer we commissioned the
5 Tarrance Group, a nationally noted polling
6 organization to conduct a poll regarding
7 Pennsylvanians' attitudes towards environmental
8 issues. Eight hundred likely voters were
9 interviewed.

10 The results proved overwhelmingly that
11 the citizens in Pennsylvania have strong
12 environmental concerns and support stronger clean
13 air regulations. Of those interviewed, 79 percent
14 said that they would favor a proposal which would
15 pass stronger laws to reduce air pollution coming
16 from industrial plants and power plants. It is
17 important to note that the strongest support for the
18 proposal came from those in the Philadelphia region.
19 74 percent of those interviewed say that they would
20 favor a proposal that requires all power plants to
21 meet the Clean Air Act standards. In addition, 70
22 percent of Pennsylvanian voters agreed with the
23 statement, "Now more than ever, we should protect
24 our land, air and water in order to preserve our
25 quality of life."

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2 The people of Pennsylvania and, in
3 particular, the people in Southeastern Pennsylvania
4 overwhelming are making the connection between their
5 health and pollution in the environment.
6 Eighty-four percent of respondents agreed with the
7 statement, "Environmental problems such as clean air
8 and water pollution and environmental exposure to
9 toxics cause health problems like asthma, allergies
10 and other respiratory problems, cancers and other
11 long-term illnesses."

12 This poll demonstrates unequivocally
13 that Pennsylvanians are concerned about the air they
14 breathe, and they understand the consequences of
15 relaxed standards. They recognize the relationship
16 between air quality and public health, and they
17 support stricter regulations.

18 I've also provided a Web address on my
19 written testimony where you can get the entire poll
20 results.

21 Thank you.

22 MR. KEARNEY: Thank you. Do you work
23 with Susan?

24 MS. CONAGHAN: Yes, I do.

25 MR. KEARNEY: On behalf of Councilman

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2 Cohen and myself, please tell her we said hello.

3 I also wanted to say the same thing to
4 Lisa, please tell Mr. Hanger (ph), Mr. Adells (ph)
5 and Ed the same thing.

6 The next person to testify will be
7 Nathan Willcox from PennEnvironment.

8 And if Mr. Smith from the Sierra Club,
9 if he's here, could you please come up at the same
10 time so you'll be ready?

11 MR. WILLCOX: Good afternoon. My name
12 is Nathan Willcox, W-I-L-L-C-O-X.

13 I would first like to thank the Council
14 for passing its previous Resolution in which it
15 identified that air pollution is a serious problem,
16 determined that the Bush Administration's air
17 pollution plan and rollbacks of the New Source
18 Review program would lead to more pollution and
19 called for this hearing. Of course, I thank you for
20 giving me the opportunity to speak before the
21 Council today.

22 My name is Nathan Willcox, and I am the
23 Energy and Clean Air Associate with PennEnvironment.
24 PennEnvironment is a statewide environmental
25 advocacy with more than 10,000 members from across

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2 the state. We work on both state and national level
3 environmental issues, including clean air, clean
4 water, energy policy, sprawl and preservation
5 issues.

6 More the 30 years ago Congress adopted
7 the Clean Air Act to protect the country's public
8 health from respiratory illnesses caused by soot,
9 smog and toxic air pollution. Since then the Clean
10 Air Act has been promoting the development of
11 ever-cleaner industrial processes and more effective
12 pollution control technologies. Because of the
13 proactive steps taken under the Clean Air Act to
14 reduce dangerous pollution, we've begun to make
15 progress toward making our air truly safe to
16 breathe.

17 However, we still have a long way to go.
18 Every year air pollution from power plants cuts
19 short the lives of over 2,000 Pennsylvanians and
20 more than 30,000 Americans. Urban areas, including
21 Philadelphia, are especially hit hard by this
22 pollution. In addition, the severe environmental
23 impacts of air pollution include, as mentioned
24 previously, global warming, acid rain and mercury
25 contamination of our waterways. In short, there's a

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2 lot of work left to be done in the fight of air
3 pollution, and weakening the Clean Air Act should be
4 the last thing on the government's to do list.
5 However, that is exactly what is happening, as the
6 Clean Air Act is now being threatened with rollbacks
7 from the White House and Federal Legislators in the
8 House and Senate.

9 At the behest of the polluting
10 industries, especially coal and oil companies and
11 utilities, the Bush Administration has proposed
12 legislation to let power plants and other facilities
13 increase their pollution. Deceptively and
14 inappropriately dubbed the "Clear Skies Initiative"
15 by the political spin doctors in the White House,
16 public health advocates recognize the plan as
17 perhaps the largest clean air rollback in history.
18 The President's plan, introduced in the House and
19 Senate in February, is a massive weakening of our
20 clear air safeguards.

21 To briefly summarize what is at stake,
22 the Bush Administration's air pollution plan, if
23 passed, would do the following:

24 First, the Bush Administration's plan
25 would threaten the public's health by delaying and

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2 diluting reductions in power plants' emissions of
3 sulfur, nitrogen and mercury pollution.

4 Second, and perhaps most important for
5 Pennsylvania, the Administration's plan would roll
6 back the current law's public health safeguard to
7 protect local air quality and curb pollution from
8 upwind states.

9 Lastly, the Administration's plan would
10 do nothing to curb power plants' growing emissions
11 of carbon dioxide, the main cause of global warming.

12 These changes are even more alarming
13 once one looks more closely at the specifics. To
14 illustrate this, I will now go through each section
15 of the Administration's plan and compare it with the
16 current Clean Air Act.

17 First, the proposed change weakens
18 public health protections from dangerous soot and
19 smog.

20 As has been highlighted by other
21 speakers, dangerous levels of soot and smog are
22 causing thousands of premature deaths and asthma
23 attacks each year in Pennsylvania.

24 Under the current Clean Air Act, the
25 Environmental Protection Agency and individual

In September 2001 EPA told the industry's main lobby group, the Edison Electric Institute, that existing law would cut power plants' soot-forming sulfur dioxide pollution from 11 million tons today to two million tons by 2012, and cut their smog-forming nitrogen oxide pollution from 5 million tons today to 1.25 million tons by 2010. In short, the current Clean Air Act will clearly work to reduce soot and smog pollution.

Specifically, the Administration's plan

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allows more than twice as much sulfur dioxide for nearly a decade longer, compared with faithful enforcement of the current Clean Air Act. After 2018, sulfur dioxide emissions will still be one-and-a-half times higher than if current law is enforced. The Administration's plan allows more than one-and-a-half times as much nitrogen oxide for nearly a decade longer, and one-third more nitrogen oxide even after 2018.

The proposed changes also weaken public health protections from toxic mercury, but I will skip over this section of my testimony, as it has been thoroughly covered earlier by Jonathan Sinker of the Clean Air Council.

Second, the proposed changes repeals safeguards for local air quality.

The current Clean Air Act requires new power plants to install state-of-the-art pollution controls, and requires older grandfathered plants to install modern pollution controls when rebuilt or expanded in ways that increase their pollution output. In areas with dirty air, newer expanded plants must offset their pollution increases. This is the New Source Review section of the Clean Air

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2 Act to which the EPA and the Bush Administration
3 have already instituted rollbacks. In response,
4 Pennsylvania's Department of Environmental
5 Protection, on behalf of the state and Governor
6 Rendell, are currently part of a legal effort with
7 other northeast states to stop these rollbacks.

8 However, the Administration's plan
9 effectively repeals the remaining New Source Review
10 air quality safeguards. Exemptions are not even
11 limited to power plants, but are available to plants
12 in any industry sector.

13 Third, and perhaps most importantly for
14 Pennsylvania, the Administration --

15 MR. KEARNEY: Can I please stop you for
16 a second? You went from the last paragraph on page
17 two where you talked about Pennsylvania's
18 involvement in the lawsuit and then you say,
19 "however, the Administration's plan effectively
20 repeals the remaining New Source Review." Are those
21 regulations that are outside of this lawsuit that
22 are not addressed by this lawsuit? Is that what you
23 mean?

24 MR. WILLCOX: The lawsuit is contesting
25 all changes to the New Source Review program that

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2 have been proposed and already instituted by the
3 Bush Administration.

4 MR. KEARNEY: So when you say the
5 Administration's plan effectively repeals, those
6 things that it's effectively repealing are being
7 contested in the lawsuit?

8 MR. WILLCOX: That is not my impression
9 at this time. The lawsuit, because it was filed
10 before the Clear Skies Initiative was finalized,
11 deals only with the proposed and instituted
12 rollbacks of the New Source Review program. I can
13 go into more detail of those two stages now, or I
14 can do that after I complete the rest of my
15 testimony, whichever.

16 MR. KEARNEY: Afterwards.

17 MR. WILLCOX: Okay.

18 Third, and perhaps most importantly for
19 Pennsylvania, the Administration's proposed changes
20 hamstring safeguards for downwind states.

21 Under the current Clean Air Act, when
22 power plants in upwind states, such as Ohio, cause
23 violations of air pollution health standards in
24 downwind states, such as Pennsylvania, the downwind
25 states can force the upwind facilities to cut their

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pollution. This is a crucial tool for Pennsylvania, as some of our worst air pollution comes from Ohio and other Midwestern states, as opposed to from plants within our state borders.

Unfortunately, the Administration's plan effectively repeals this "states rights" provision. The Bush Administration's plan prohibits downwind states from pursuing any pollution reductions from power plants in upwind states before 2010. The Administration bill then increases the burden of proof after 2010, making it nearly impossible to prove that upwind power plants are causing downwind pollution.

Lastly, the Administration's plan worsens global warming.

Power plants are the largest source of US global warming pollution, responsible for 40 percent of US carbon dioxide emissions. Ignoring power plants' carbon emissions will lead to more global warming and the resulting costs from increased severe weather. Rather than establishing mandatory limits on carbon dioxide, which would start curbing this monumental hazard to our health and to our environment, and at the same time save

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billions of dollars, the Administration's plan does nothing. The plan allows power plants' carbon dioxide pollution to continue to increase, relying instead on voluntary approaches, long proven to be ineffective. The Administration's plan would allow another generation of investments in power plants with excessive carbon dioxide emissions, dramatically increasing future costs for utilities and their customers when the need to curb these emissions is finally recognized.

Given this clear threat to the public health of the citizens it represents, we call on the City Council to urge Pennsylvania's Representatives and Senators to reject any weakening of the Clean Air Act, including the Bush Administration's air pollution plan. Despite the obvious air pollution problem in Pennsylvania and Philadelphia, Pennsylvania Senators Specter and Santorum actually voted for some of the Administration's rollbacks to our clean air laws earlier this year. Clearly, any action by this Council will give them much-needed political support to do the right thing the next time around.

Proactively, our Representatives and

6 In closing, I would say that this is a
7 clear opportunity for Philadelphia to speak out
8 against further degradation of our public health and
9 our environment, and I thank the City Council for
10 working to address this very serious problem.

14 When the proposed changes the Bush
15 Administration has, whether they're part of Clear
16 Skies or not part of Clear Skies, when is there
17 going to be a vote on these? Is it just a rule
18 making that an administrative branch of the
19 government is going to do? Could you tell us
20 politically how it's going to play out and a time
21 line?

25 The first part has actually already been

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2 instituted, as mentioned earlier. And that happened
3 on New Year's Eve of this year. The rollbacks that
4 have already incurred include three key things. The
5 first is what's referred to as plant-wide
6 applicability limit. This would allow facilities to
7 pick the most polluting 24-month period in their
8 last five years as a cap for their pollution. I
9 should get more information to the Council on this,
10 but I believe as it stood previously in the New
11 Source Review program, the period was two years,
12 rather than five years. So it allows a plant to go
13 further back in its history to find the most
14 pollution that it was emitting and then set a cap
15 now as compared to that pollution level.

16 The second key part of the rollbacks
17 that have already been instituted is what's called
18 the clean unit exclusion. This basically means that
19 if you've installed clean technology at one point,
20 you're exempt from having to install more clean
21 technology for a good 10 years. This is troublesome
22 for a couple reasons because it creates problems of
23 what is clean technology, how much should you be
24 instituting to effectively clean up your plant. But
25 also, the rate at which technology is changing and

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2 advancing to allow for more pollution reduction is
3 pretty impressive. And therefore to say that we're
4 going to put a 10-year delay on these facilities'
5 ability to institute new technology does not do a
6 lot for clean air.

7 Lastly, another change that has already
8 been instituted is what's called the pollution
9 control exemption. This basically says that if you
10 clean up emissions of one pollutant, such as
11 nitrogen oxide or sulfur dioxide, you don't have to
12 clean up other pollutants. This is especially
13 troublesome because enough of one pollutant can do
14 enough damage on itself, that all plants should be
15 required to be reducing their emissions of all
16 pollutants rather than simply focussing on one.

17 The other changes, as far as the
18 timeline goes, the EPA has a public comment period
19 that is ending on May 2nd for the new proposed
20 changes. After that, the EPA will look at that.
21 Hopefully, they will see that the public
22 overwhelming supports the New Source Review program
23 as is and realizes that the last thing we should be
24 doing is rolling it back.

25 These proposed changes that the public

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2 comment period involves -- this is actually the
3 larger part of the New Source Review rollback. And
4 what it involves is the definition of what's called
5 routine maintenance. So under the New Source Review
6 program right now, any time a facility performs
7 anything beyond routine maintenance that allows it
8 to increase its emissions or increase its power
9 production, it also has to implement modern
10 pollution control technologies. The only exemption
11 is if they're performing routine maintenance,
12 thought of as little things that don't impact the
13 emissions. The proposed rollbacks greatly expand
14 the definition of routine maintenance, allowing a
15 facility to basically remake its production
16 facilities from the inside out, without having to
17 implement pollution control technologies. And that,
18 again, the public comment period for that ends on
19 May 2nd, after which EPA will make a decision as to
20 whether or not to institute these rollbacks.

21 MR. KEARNEY: To change those, or to
22 reverse that action, does the EPA have to do the
23 same thing?

24 MR. WILLCOX: That's honestly a question
25 that I don't know. I suspect that they would have

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2 to have another comment period to do that. As far
3 as to change a rule that they already made, I
4 suspect that they would have to have another public
5 comment period.

6 MR. KEARNEY: You mentioned Senators
7 Specter and Santorum and their position. On the
8 changes, do you know how the Philadelphia
9 Congressional Delegation voted? Did that go to a
10 vote in the House?

11 MR. WILLCOX: It did not. The House did
12 not have a chance to vote on this. The Senate did.
13 There was an amendment introduced by Senator Edwards
14 that would have delayed the implementation of the
15 clean air rollbacks to New Source Review until the
16 public health impacts could be adequately studied.
17 This is what both Senator Santorum and Senator
18 Specter voted against. The U.S. House did not have
19 a chance to vote on the New Source Review program.

20 MR. KEARNEY: Is there -- I know your
21 group is a national network, as is the Sierra Club
22 and some of the others, Clean Water Action. I don't
23 honestly know about the Clean Air Council, but I
24 know for Clean Water Action. Is this something that
25 people are fighting all over the country?

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2 MR. WILCOX: Yes. Without a doubt.

3 Though I think the focus -- when you look at the
4 lawsuit against the EPA and the government, it's
5 coming from mainly northeast states, but obviously
6 as we've heard previously, air pollution affects
7 everyone. If you talk to a person who's living next
8 to a facility in Alabama or Mississippi, they can
9 definitely testify to the fact that air pollution is
10 affecting them as well. So, yes, it's a national
11 issue and we're doing work around the country on
12 this issue. And that's why we're especially excited
13 that Philadelphia is taking the lead on this as the
14 first major City to consider a Resolution involving
15 the Clear Skies Initiative. We're hoping that other
16 cities across the country, many of whom have very
17 similar air pollution problems, will follow suit and
18 really speak out on this issue.

19 MR. KEARNEY: Thank you.

20 Mr. Smith, please state your name and
21 your organization. Please spell your last name for
22 the stenographer and keep the microphone pretty
23 close.

24 MR. SMITH: Sure thing. My name is
25 Roger Smith, S-M-I-T-H, and I'm with the Sierra Club

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2 Southeastern Pennsylvania Group.

3 I'm actually presenting testimony today
4 that was originally prepared by Nancy Parks, who is
5 our Clean Air Chairperson for the entire
6 Pennsylvania chapter. She couldn't be here today,
7 so I'm still here representing the official views of
8 the Sierra Club.

9 MR. KEARNEY: I also on behalf of City
10 Councilman David Cohen want to thank the Sierra Club
11 for their position on the Venice Island situation
12 and their support of the lawsuits in this case.

13 MR. SMITH: Thank you.

14 I'd like to start by saying that I do
15 believe that Philadelphia City Council has a role to
16 play in encouraging or demanding that the
17 Environmental Protection Agency do its job as has
18 been laid out by Congress under the Clean Air Act.
19 That job is first and foremost to protect human
20 health, and we wouldn't be here otherwise.

21 I'll also tell you that individual
22 citizens have a role to play in air pollutions
23 control, and that the goal is certainly not a
24 hopeless task. We have the ability and the
25 technology and the know-how to do this. It simply

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2 takes the political and personal commitment, desire
3 and will of all of us.

4 Others have described the health effects
5 of air pollution on the vulnerable populations in
6 the Philadelphia area. I will describe how bad the
7 problem has been, how far we have come, and how
8 close we are to the solution. And the goal of
9 ground level ozone smog control and protection of
10 human health is attainable right now. We will do
11 this with a level economic playing field. We will
12 not be inventing undue hardship for either
13 businesses or individual citizens.

14 Philadelphia County and the surrounding
15 four counties were designated as, quote, severe
16 non-attainment area for ground level ozone smog
17 pollution after the Clean Air Act amendments were
18 passed in 1990. This classification created a set
19 of legally binding obligations for pollution control
20 that Philadelphia must meet by the 2005 ozone season
21 of May 15th through September 30, 2005.

22 The Clean Air Act also requires that
23 Philadelphia demonstrate that attainment has been
24 maintained for tree years; i.e., the three ozone
25 seasons, including 2005. Philadelphia must not

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violate clean air requirements for ozone smog control starting this year, 2003, and it must remain without violations in 2004 and 2005. And only then in 2005 can the Philadelphia five-county area be redesignated as a clean air area for ozone.

In 1979 the level of ozone smog in Philadelphia was measured at an average of 220 parts per billion. And by 1990 that level was still between 180 and 280 parts per billion, causing Philadelphia and the surrounding four counties to be designated as a severe ozone non-attainment area, and it has an accompanying indication of unhealthy, dirty air. In 1999, that extremely high level had been reduced to the still unhealthy ozone level of 139 parts per billion. And the Philadelphia five-county area continues today to possess the worst air pollution in Pennsylvania.

Pennsylvania continues to require measures that will ultimately bring down ozone air pollution to a level below 120 parts per billion, as required by the Clean Air Act by November 2005, and that will protect the people of Southeastern Pennsylvania.

In order to control ground level ozone,

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2 we concentrate on reducing both nitrogen oxides, NOx
3 pollution, and volatile organic chemicals, VOCs,
4 which combine in sunlight during humid, still summer
5 weather to produce ozone smog. Not only in
6 Pennsylvania, but throughout the entire northeast
7 United States we have concentrated on reducing these
8 pollutants by timetables and methods specified
9 within the Clean Air Act. Also by timetables and
10 methods agreed upon by the 11 states, Maine,
11 Massachusetts, Vermont, New Hampshire, Connecticut,
12 Rhode Island, New York, Pennsylvania, New Jersey,
13 Maryland, Northern Virginia and District of
14 Columbia, that comprise the northeast U.S. ozone
15 transport region.

16 We've targeted mobile sources throughout
17 the northeast with national vehicle pollution
18 reduction programs, but mainly we've targeted large,
19 dirty power plant and chemical industry sources
20 throughout this ozone transport region, and we've
21 successfully reduced ozone, particulate matter and
22 acid rain pollution by the application of existing
23 technology by limiting pollution emissions and by
24 applying ceilings to emission rates. We have
25 reduced NOx by requiring reasonably achievable

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2 control technologies, like low NOx burners. We then
3 agreed throughout the ozone transport region to
4 reduce NOx by 65 percent further along the Amtrak
5 Route 95 corridor of Eastern Pennsylvania and the
6 United States, and to reduce NOx by 55 percent
7 throughout Western Pennsylvania.

8 EPA has used its Clean Air Act authority
9 to require a reduction in ozone precursor pollutants
10 -- these are, again, nitrogen oxides and volatile
11 organic compounds -- throughout 22 states in the
12 Eastern U.S. and the Midwest because air pollution
13 became accepted as both a local problem and a
14 transported problem. Pennsylvania receives
15 significant ozone air pollution from states upwind,
16 such as Kentucky, Missouri, West Virginia and the
17 Ohio River Valley states, but please remember that
18 Pennsylvania drastically effects other northeast
19 states downwind of us. In Pennsylvania 10 years ago
20 produced and emitted 40 percent of all the NOx
21 emitted in the northeastern United States. Today,
22 Pennsylvania spews out 50 percent of the NOx
23 pollution emitted throughout the northeastern United
24 States because we have not controlled our emissions
25 as effectively, nor as quickly as other northeast

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2 states.

3 Now, many states, including
4 Pennsylvania, have petitioned the EPA to reduce
5 ozone in upwind states, charging their ozone problem
6 clean-up is complicated by downwind ozone transport.
7 Pennsylvania will further reduce its NOx problem by
8 using both of these programs starting this summer
9 2003. Other states will delay their NOx reductions
10 under President Bush's initiatives until 2004 and
11 later.

12 Now, our Pennsylvania Department of
13 Environmental Protection regularly must examine
14 whether or not the Philadelphia area can achieve
15 ozone reductions on time under Clean Air Act
16 requirements called Reasonable Further Progress.
17 When the Pennsylvania Department of Environmental
18 Protection changed the state's air quality technical
19 advisory committee with review of progress towards
20 attainment, it was obvious that it would not be
21 possible for this ozone non-attainment area to clean
22 up and protect human health by the legal deadline of
23 2005. In sum, we fall short.

24 The Pennsylvania Bureau of Air Quality
25 then developed a series of shortfall regulations

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aimed at capturing air pollution reductions from smaller sources of both NOx and VOC pollution. And these shortfall regulations captured pollution from solvent cleaning, paint manufacturing usage, portable gasoline containers, small diesel engines and cement kilns. It was also obvious from the first that these measures were vitally necessary, and yet would not bring the Philadelphia five-county area into legal compliance with the Clean Air Act without additional help.

Now, the PADP believes it can squeeze by and comply with the clean air law by the skin of its teeth, if other upwind states reduce their pollution. If this does not occur, then the Philadelphia City Council can be assured that a really hot summer any time in the next three years will indeed throw the City into noncompliance with Federal Clean Air Act Law, thereby triggering enforcement sanctions that the EPA is required to impose. These sanctions include the withholding of federal highway and other constructions dollars.

While some Pennsylvania pollution sources comfort themselves in the belief that the Bush White House will not be favorable to the

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2 required imposition of these enforcement sanctions,
3 they should be assured that we, the Sierra Club, do
4 not feel the same.

5 The Sierra Club has been committed to
6 the protection of human health by implementation of
7 the Clean Air Act for 30 years, and we have used
8 legal means, when necessary, to ensure
9 implementation and enforcement compliance. Let me
10 assure Pennsylvania pollution sources today that we
11 will not hesitate to do so again to protect the
12 health of Pennsylvanians from air pollution.

13 The Bush Administration's proposals to
14 change the requirements to the Clean Air Act are an
15 unwise invasion of the law and the intent of
16 Congress. Both the Bush-sponsored legislative Clear
17 Skies Initiative and the proposed regulatory
18 weakening of the New Source Review Provisions of the
19 Clean Air Act are a thinly veiled attempt to
20 eviscerate the entire Clean Air Act enforcement
21 process. They will create dirty and darkened skies
22 in Philadelphia. Completing the current pollution
23 reduction guidelines and requirements of the Clean
24 Air Act will allow the United States to achieve a
25 1.2 million ton cap on NOx pollution by 2010, and a

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2 two million ton cap on sulfur dioxide by 2012, and a
3 five ton per year limit on mercury, a dangerous
4 neuro toxin in tiny quantities, by 2008.

5 President Bush's plan will allow a 68
6 percent increase in nitrogen oxide pollution and
7 delay reductions for eight years, a 125 percent
8 increase in sulfur dioxide and a year delay, and no
9 control of mercury at all. The Bush New Source
10 Review proposals will allow essentially all
11 applicable sources to evade scrutiny and the
12 application of clean-up technologies, a move that
13 Philadelphia citizens cannot tolerate for the sake
14 of their health.

15 Let me also reassure you that the air
16 pollution problem in Pennsylvania today is solvable
17 with current technology for large, stationary
18 sources. Technology such as selective catalytic
19 reduction for some power plants, and for smaller
20 point sources such as diesel engines and paint
21 shops, as well as for mobile vehicle sources.

22 Philadelphia City Council is not
23 powerless in its ability to help Pennsylvania DEP
24 and Philadelphia Air Management Services with their
25 goals. Let me suggest the following:

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2 One. Support Pennsylvania in meeting
3 its 2003 deadlines for ozone reductions by strict
4 enforcement of current requirements throughout the
5 region.

6 Two. All sectors of polluters should be
7 held responsible for reducing air pollution as
8 required by the Clean Air Act, and they are
9 responsible to do it on time, thereby accomplishing
10 pollution reduction in the most economic way.

11 Three. Philadelphia City Council should
12 actively support and take a leadership role in
13 educating the Bush Administration on the necessity
14 for completing current existing Clean Air Act
15 requirements.

16 Four. Philadelphia City Council should
17 openly oppose President Bush's gutting of New Source
18 Review.

19 Five. Philadelphia City Council should
20 oppose the Clear Skies Initiative.

21 Six. Philadelphia City Council should
22 make it clear to their citizens that if the PADEP
23 cannot make the necessary pollution reductions, then
24 they will.

25 Seven. Individual Pennsylvanians are

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2 also air pollution culpable and should eliminate
3 wasteful practices in their lives and daily
4 routines, thereby fostering energy conservation and
5 energy efficiency.

6 The Sierra Club, and myself in
7 particular, would be very interested in helping
8 Philadelphia City Council identify mechanisms that
9 they could use to help meet Clean Air Act
10 requirements. Pollution tax incentive packages for
11 fuel-efficient vehicles, less polluting paints,
12 innovative transportation measures, cleaner fuels
13 for fleets and individuals, increased and dedicated
14 support for SEPTA and other mechanisms could be
15 introduced in this region.

16 I look forward to any opportunity to
17 work with Philadelphia City Council and would be
18 happy to answer any questions that you may have
19 after this hearing.

20 That's from Nancy Parks.

21 MR. KEARNEY: Thank you, Mr. Smith.

22 Before I forget, Councilman Cohen asked
23 for Mr. Fine and Sarah Kurnes and Ms. Mallard to
24 come back at a recall budget hearing for the Health
25 Department. Obviously, I know where Mr. Fine works

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2 and vice versa, but when this hearing is over, could
3 I please get the phone number and address from Ms.
4 Mallard and Ms. Kurnes to give that to Councilman
5 Cohen?

6 The City Council Session runs until mid
7 June. I know in your testimony you said that there
8 was a date of May 2nd for the end of a comment
9 period on these proposed changes. I know also that
10 Councilman Cohen has two hearings and meetings and,
11 therefore, meetings of the Law and Government
12 Committee next week. Technically, there's actually
13 three of them; on the 22nd at 1:00, at 5:00, and
14 again on the 23rd at 1:00. So for everybody
15 interested in City Council and the testimony today,
16 and possibly having the Council Committee -- or as
17 Councilman Cohen said, most likely having the
18 Council Committee issue a report that would be voted
19 on by the Committee. And then if all goes well,
20 voted on and, therefore, adopted by the Council. I
21 don't know that that can be done by May 2nd, but it
22 could probably be done very shortly thereafter.
23 There is City Council meeting on the 1st. There's a
24 Council meeting on the 25th. So I'm thinking that
25 it's possible to have the report adopted by the

1 04/16/03 - LAW & GOVERNMENT - RES. 030082
2 Council on the 1st. If that happens there's, I
3 guess, a one-day window of opportunity to get that
4 to the EPA for the comment period as the official
5 report of the City Council. Obviously, that's up to
6 the Councilman, to the Committee Members and to the
7 full Council.

8 But on behalf of Councilman Cohen and
9 the Law and Government Committee, I'd like to thank
10 everybody who came here today to testify, for your
11 written testimony and all of your very positive
12 input on this issue.

13 Is there anybody here who hasn't
14 testified that would like to testify at this public
15 hearing?

16 (No response.)

17 MR. KEARNEY: Is there anybody who has
18 testified that would like to add anything?

19 (No response.)

20 MR. KEARNEY: Hearing none, the
21 Committee of Law and Government's hearing on
22 Resolution 030082 will adjourn.

23 Thank you.

24 (Council adjourned at 4:37 p.m.)

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RE: COMMITTEE ON LAW AND GOVERNMENT

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Lisa C. Bradley, RPR
and Notary Public

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