Effort to weaken air toxic controls called ‘ludicrous’

By BOB ANDERSON
Environmental editor

Industrial forces are attempting to chip away at Louisiana’s proposed air toxic control regulations until there will be nothing left to solve the state’s air pollution problem, environmentalists testified at a public hearing Tuesday.

Industry officials requested the Department of Environmental Quality revise portions of the regulations to be compatible with the less stringent Clean Air Act passed by Congress.

Louisiana is a top emitter of toxic air pollutants and can’t wait for the federal Clean Air Act, said Theresa Robert of Save Our Selves. That could delay cleaning up the state’s air by a decade or more.

“If these rules are not adopted, Louisiana will continue its legacy of being the cesspool of the nation,” she said.

Meanwhile, oil interests are pushing a bill in the Legislature that would make the proposed regulations meaningless, because it wouldn’t allow any portion of them to be more stringent than the Clean Air Act, Robert said at the close of the hearing.

“That bill has passed the Senate Environmental Committee and we’re outraged,” she said.

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It's ludicrous" to suggest that DEQ weaken the regulations to the level of the Clean Air Act, Lisa Lavie of the Tulane University Environmental Law Clinic told the hearing officer. "We need to take big steps forward to make up for lost ground."

The proposed regulations will cost the oil and gas industry $120 million more than the Clean Air Act, according to Mike Lyons, a spokesman for Mid-Continent Oil and Gas Association.

The regulations also include "time constraints that will be impossible to meet," he said.

The regulations are based on an overestimation of human health risks, said Jerry Brouillette of the Louisiana Chemical Association.

Lavie said the regulations already have been weakened too much, including "exclusion of the electric utilities and certain combustion sources" and changes that make the regulations less stringent on the ammonia industry.

"Given the ammonia industry's relentless, baseless struggle to remove ammonia from the program's coverage, we are concerned that the agency concedes too much in hopes that the ammonia industry will be appeased," she said. "Ammonia is a toxic chemical, belongs in the program, and the agency should have the courage of its convictions."

Ammonia is an efficient refrigerant and there is nothing to indicate ammonia has long-term health effects, said George Briley of the industrial refrigeration industry.

An attorney for the Louisiana Ammonia Producers said the regulations' ambient air quality standards for ammonia are based on insufficient data.

There are 27 families living less than half a mile from one fertilizer producer and when the wind comes from that direction, their children's eyes and noses run from the ammonia, said Amos Favorite, president of the Ascension Parish Residents Against Toxic Pollution.

"It has a tear-gas effect on children," and harasses old people in the community, he said. "It's an awful smell to have to put up with for a long period of time."

The regulations, proposed last November, were the subject of a December hearing and were revised as a result of those comments. The regulations were brought back up for a second public hearing Tuesday.

"I'm concerned the regulations will be chipped away and chipped away and chipped away to nothing," said Steve Farber of Citizens for a Clean Environment. "Let's keep in sight what the goal is."