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Gore Accuses Obama of 'Bowing to Pressure from Polluters' Which Will Hurt Seniors and Children

Abcnews.com
By; Jake Tapper
Sept. 7, 2011 5:06pm

Former Vice President Al Gore on Wednesday said President Obama, instead of "relying on science … appears to have bowed to pressure from polluters who did not want to bear the cost of implementing" the draft Ozone National Ambient Air Quality Standards that the Environmental Protection Agency was pushing.

Gore made his public rebuke in a blog post called "Confronting Disappointment," reflecting how on Friday "President Obama ordered the EPA to abandon its pursuit of new curbs on emissions that worsen disease-causing smog in U.S. cities" because of economic concerns.

Gore noted that EPA administrator Lisa Jackson had previously written that the pollutant levels put in place by President Bush were "not legally defensible."

"Those very same rules have now been embraced by the Obama White House," Gore wrote, saying that the "result of the White House's action will be increased medical bills for seniors with lung disease, more children developing asthma, and the continued degradation of our air quality."

President Obama last Friday defended his action, saying that his administration "has taken some of the strongest actions since the enactment of the Clean Air Act four decades ago to protect our environment and the health of our families from air pollution," including "reducing mercury and other toxic air pollution from outdated power plants" and "doubling the fuel efficiency of our cars and trucks. …"

At the same time," President Obama wrote, "I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover. "

President Obama's fellow Nobel Laureate is not the only disappointed Democrat.

President Obama's own former EPA associate administrator of office of Policy, Lisa Heinzerling, blogged that the "reason the president gave for asking EPA to withdraw its standard is an unlawful reason," since "the Supreme Court has unequivocally held that the Clean Air Act forbids the consideration of economic costs in setting" air quality standards.

Heinzerling also wrote that: "Weirdly, even though President Obama stated that economic concerns were his reason for asking EPA to withdraw the ozone standard, shortly before this announcement was made, a White House blog post extolled the economic virtues of the Clean Air Act. This is a statute that has returned over 30 times the amount in benefits that it has imposed in costs. It is one of the most successful pieces of public health legislation ever. And the White House seems to know it. Stranger still, then, that President Obama used economics as the cited reason for asking EPA to take back the standard."

-Jake Tapper

Al Gore Slams Obama Over EPA Ozone Rule

Wall Street Journal
September 7, 2011, 5:57 PM ET
By Danny Yadron

Public opinion polls show that President Barack Obama is seriously disappointing many of voters who made up his winning coalition in 2008.

Then President-elect Barack Obama sits with former Vice President Al Gore during a meeting Dec. 9, 2008. (AP Photo/Charles Dharapak) Add Al Gore to the list.

The former vice president and environmental activist accused the White House of bowing to "polluters" when it asked the Environmental Protection Agency to withdraw an air quality rule that Republicans said was costing the country jobs. The January 2010 proposal by the EPA would have set stricter standards on ground-level ozone, a main ingredient of smog.

"Instead of relying on science, President Obama appears to have bowed to pressure from polluters who did not want to bear the cost of implementing new restrictions on their harmful pollution," Mr. Gore wrote in a blog post. "The result of the White House's action will be increased medical bills for seniors with lung disease, more children developing asthma, and the continued degradation of our air quality."

It's another sign of the trouble Mr. Obama faces as he begins his re-election campaign. Independents have soured on him because of the weak economy and high unemployment. In trying to appease them by moving to the middle, he is exasperating the liberal Democratic base.

Gore Calls Out Obama on EPA-Ozone Reversal

National Journal
By Amy Harder
Updated: September 7, 2011 | 5:58 p.m.

Then President-elect Obama meets with former Vice President Al Gore in 2008. Gore is now questioning Obama's commitment to the environment.
Former Vice President Al Gore is blasting President Obama for his refusal to strengthen environmental regulations governing ground-level ozone.

In a short, 179-word blog post Wednesday, the renowned climate activist joined a chorus of other environmentalists who have expressed bitter opposition to Obama's action last week.

“Instead of relying on science, President Obama appears to have bowed to pressure from polluters who did not want to bear the cost of implementing new restrictions on their harmful pollution,” Gore wrote.

Gore’s condemnation shouldn’t come as a surprise. He criticized Obama for not being bolder on climate change in a 7,000-word essay in Rolling Stone in June.

Obama’s reversal on the EPA's smog—or ground-level ozone—standard on Friday infuriated nearly all corners of the environmental and public health community. Obama also directly contradicted EPA Administrator Lisa Jackson, who had indicated she wanted to move forward with the rule now. Obama punted proposing a tougher ozone standard until at least 2013.

The ground-level ozone standard enacted during the George W. Bush administration remains in place as environmental and public health groups revive their challenges in court, alleging that the Bush-era standard isn’t aggressive enough given the current scientific understanding of the detrimental health affects of excessive ground-level ozone.

Gore retorted that the Bush standard has “now been embraced by the Obama White House.”

And there could be more disappointing news in store for Gore and other climate activists. Obama’s EPA has indicated it will issue the first-ever regulations to control greenhouse gases that contribute to climate change by Sept. 26. But it seems likely the EPA may delay the proposal for a second time.

The regulations have not been sent to the White House Office of Management and Budget for review. And rules typically spend at least a month in OMB's hands before agencies can release them. EPA already has delayed these rules once, from an initial target date of July 26 to Sept. 26. EPA maintains that it will still meet its May 26, 2012, deadline to finalize the rules.

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Lawyers Plot Next Steps in Legal Battle Over Ozone Rule

New York Times (Greenwire)
By LAWRENCE HURLEY AND GABRIEL NELSON of Greenwire
Published: September 7, 2011

A blog about energy and the environment.

Litigation before the U.S. Circuit Court of Appeals for the District of Columbia had been put on hold when President Obama took office in early 2009 and U.S. EPA considered whether to revise the rules first introduced the previous year, at the tail end of the George W. Bush administration.

The White House dismayed environmentalists last Friday when Obama announced that the administration wouldn't adopt the new regulations (Greenwire, Sept. 2).

The White House told EPA to wait for another ongoing review to finish, to avoid having two reviews hanging over the economy at once. Obama framed it as a step toward "reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover."

That means a new final rule wouldn't come until 2013 at the earliest, unless the court decides to speed up the process.

The now-abandoned proposal would have set the national ambient air quality standard (NAAQS) for ground-level ozone at between 60 and 70 parts per billion (ppb). The Bush administration's rule set the standard at 75 ppb.

The Bush standard seemed to please no one. Industry groups challenged it, saying it was too stringent, while environmental groups and the American Lung Association say it didn't go far enough.

The American Lung Association has already said it will "revive its participation in litigation with the administration, which was suspended following numerous assurances that the administration was going to complete the reconsideration and obey the law."

Even while the Obama administration was considering what to do with the Bush-era rule, industry groups had made it clear they wanted to continue with the litigation.

Allison Wood, a lawyer at Hunton & Williams who represents industry groups in the case, said she now expected briefing of the case to resume.

The first step would be for the court to issue an updated briefing schedule.

Wood said the White House announcement didn't have any bearing on her side's litigation strategy.

"This is more of a curveball for the other side," she added.

As for EPA, Justice Department lawyers notified the court of the administration's decision in a two-page filing Friday.

"In light of this development, EPA no longer expects that it will take final action to complete its reconsideration of the 2008 Ozone NAAQS in the near future," the filing states.

EPA said it would elaborate on its position in a subsequent filing, expected next Monday.

Earthjustice attorney David Baron, who represents the American Lung Association and other groups, said how his side proceeds depends on what EPA says in that filing.

"We are exploring all our legal options," he added.

'Not legally defensible'

Justice Department lawyers will return to court knowing that EPA Administrator Lisa Jackson has publicly said the Bush standards wouldn't hold up in court.

On July 11, two days after sending her package of final rules to the White House, Jackson wrote Sen. Tom Carper (D-Del.), one of the agency's staunchest allies as chairman of the Senate subcommittee that oversees the Clean Air Act.

The Bush administration's standards, she wrote, are "not legally defensible."

It's a sign of the abruptness of the change of course by the White House, which could be helpful to the American Lung Association and its allies, according to Peter Iwanowicz, the group's assistant vice president.

Considering that Jackson undercut the basis for the old standards in her letter, "lawyers at the EPA and the Justice Department are going to have to bend themselves into very curious-looking pretzels in order to defend against our lawsuit," he said.

The reason is Whitman v. American Trucking Associations Inc., a Supreme Court decision from 2001 in which Justice Antonin Scalia, writing for a unanimous court, wrote that the air quality standards for ozone must be based solely on public health -- not on implementation costs.

The decision to revisit the Bush-era standard was one of Jackson's first steps after being made administrator. EPA had just lost a lawsuit saying that it hadn't set strict enough limits on particulate matter, a blend of dust and soot that, like ozone, is regulated using air quality standards that apply in every corner of the country.

Making the case for the old ozone standard "posed major challenges for the federal government given the strength of the scientific record at that time, the weakness of the 2008 ozone decision in light of that scientific record and the requirements of the [Clean Air Act], and other factors," Jackson wrote to Carper last month, explaining her thinking.

"Were the standard to be overturned in court," she added, "it would have resulted in more financial and planning uncertainty for cities and states, when they could afford it the least."

In another twist, environmental groups have not completely abandoned efforts to implement the Bush rule, even while continuing their criticism of it.

WildEarth Guardians, in a separate case in the District of Arizona, is seeking to kick-start EPA designation of areas that have fallen below the 2008 standards.

The group claimed in a complaint filed Aug. 24 that EPA has missed Clean Air Act deadlines.

"Importantly, air quality is not being cleaned up to protect public health," the lawsuit states.

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Al Gore takes Obama to task over ozone rules

Los Angeles Times (Politics Now)
September 7, 2011, 12:52 p.m.

Former Vice President Al Gore is condemning President Obama's decision to back off stricter regulation of ozone emissions, saying he has "bowed to pressure from polluters" instead of "relying on science."

In a posting on his official blog, Gore noted that Obama was disregarding the advice of his own EPA administrator, Lisa Jackson, who called the levels of pollution now allowed "not legally defensible." In doing so, Gore writes, Obama has "embraced" the environmental views of his Republican predecessor.

"The result of the White House's action will be increased medical bills for seniors with lung disease, more children developing asthma, and the continued degradation of our air quality," Gore said.

Obama's decision on controversial rules to cut smog levels was announced Friday, to the delight of the business community but roundly condemned by some in the president's base.

In his announcement, Obama cited "the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover."
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Al Gore: Barack Obama is bad for the environment

Seattle Post-Intelligencer (blog)
September 7, 2011
By Chris Grygiel

Al Gore has some harsh words for President Barack Obama because of his announcement last week that he'll keep in place Bush-era smog standards.

Obama's blocked an EPA plan to lower emissions of ozone into the atmosphere.

On his personal blog, Gore, the former vice president and environmentalist, said:

"On Friday afternoon, as brave and committed activists continued their non-violent civil disobedience outside the White House in protest of the tar sands pipeline that would lead to a massive increase in global warming pollution, President Obama ordered the EPA to abandon its pursuit of new curbs on emissions that worsens disease-causing smog in US cities. Earlier this year, the EPA's administrator, Lisa Jackson, wrote that the levels of pollution now permitted — put in place by the Bush-Cheney administration– are "not legally defensible." Those very same rules have now been embraced by the Obama White House.

Instead of relying on science, President Obama appears to have bowed to pressure from polluters who did not want to bear the cost of implementing new restrictions on their harmful pollution—even though economists have shown that the US economy would benefit from the job creating investments associated with implementing the new technology. The result of the White House's action will be increased medical

bills for seniors with lung disease, more children developing asthma, and the continued degradation of our air quality.”

Follow Chris Grygiel on Twitter

Now Gore blasts Obama over pollution regs

USA Today (The Oval blog)
September 7, 2011
By David Jackson

"Instead of relying on science, President Obama appears to have bowed to pressure from polluters who did not want to bear the cost of implementing new restrictions on their harmful pollution," Gore wrote today on his blog, "even though economists have shown that the US economy would benefit from the job creating investments associated with implementing the new technology."

Obama --who has also been attacked by Robert Redford and other environmentalists -- announced Friday he wanted to remove uncertainty for businesses that would be affected by new ozone standards.

"I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover," Obama said. "Ultimately, I did not support asking state and local governments to begin implementing a new standard that will soon be reconsidered."

Gore, who has criticized Obama economic policy before, isn't buying the president's argument on ozone standards.

In his blog entry, the 2000 Democratic Party presidential nominee also cited recent White House protests over a proposed oil pipeline:

On Friday afternoon, as brave and committed activists continued their non-violent civil disobedience outside the White House in protest of the tar sands pipeline that would lead to a massive increase in global warming pollution, President Obama ordered the EPA to abandon its pursuit of new curbs on emissions that worsens disease-causing smog in US cities. Earlier this year, the EPA's administrator, Lisa Jackson, wrote that the levels of pollution now permitted -- put in place by the Bush-Cheney administration-- are "not legally defensible." Those very same rules have now been embraced by the Obama White House.

Instead of relying on science, President Obama appears to have bowed to pressure from polluters who did not want to bear the cost of implementing new restrictions on their harmful pollution -- even though economists have shown that the US economy would benefit from the job creating investments associated with implementing the new technology. The result of the White House's action will be increased medical bills for seniors with lung disease, more children developing asthma, and the continued degradation of our air quality.

Carol Browner 'disappointed' by ozone move

Politico
September 7, 2011
By ROBIN BRAVENDER | 9/7/11 11:24 AM EDT

'I think that this particular provision of the Clean Air Act is a very important provision,' Carol Browner said.

Add Carol Browner to the list of people dismayed by the White House's backtracking on smog.

“Obviously I was disappointed,” said Browner, President Barack Obama’s former top energy and environmental adviser, during an energy policy discussion Wednesday hosted by The Atlantic.

“I think that this particular provision of the Clean Air Act is a very important provision,” she said, referring to the national air quality standards required for certain air pollutants. “It requires EPA to review the science for the most commonly found air pollutants on a regular basis and set a standard based on the best available science.”

Despite her disappointment, Browner said she found a silver lining.

She welcomed the "commitment the president made in the announcement to ensuring that EPA is able to move forward with other important regulations," like the upcoming mercury standard for power plants, which she said "will be very important from a public health perspective."

Browner also said the president made a “valuable point about the fact that there is another review under way” at EPA, and that more science has emerged since the George W. Bush administration's 2008 ozone standard was set.

On Friday, Obama jettisoned his administration’s plans to revise the 2008 smog standard, citing “the importance of reducing regulatory burdens and regulatory uncertainty.” Obama also said the EPA should wait to revise the rule until the next scheduled round of review is due in 2013.

The Bush administration's 2008 ozone standard has never actually taken effect, leaving in place a weaker limit set when Browner was EPA administrator during the Clinton administration.

Since stepping down from her White House post this year, Browner has joined the Center for American Progress and the Albright Stonebridge Group.

This article first appeared on POLITICO Pro at 11:09 a.m. on September 7, 2011.

Afternoon Fix: Al Gore takes Obama to task

Washington Post (Afternoon Fix)
Sept, 7, 2011

* The latest environmentalist to take President Obama to task for overriding the Environmental Protection Agency on smog restrictions — former vice president Al Gore. “Instead of relying on science, President Obama appears to have bowed to pressure from polluters who did not want to bear the cost of implementing new restrictions on their harmful pollution,” Gore wrote on his blog.

EDITORIAL

Obama's Ozone Capitulation: Celebrated by Conservatives and Denounced by Liberals

Huffington Post
Josh Nelson, Campaign Manager, CREDO Action
September 7, 2011

President Obama's decision to undercut EPA Administrator Lisa Jackson by cancelling a long-overdue update to smog standards was a mistake on both the politics and the policy. For smart takes on the politics of this, you can read Steve Benen and Paul Krugman. For smart takes on the policy implications, read Brad Plumer, Kate Sheppard and David Dayen.

In assessing the implications of policy decisions, it is useful to consider how various individuals and organizations respond. To that end, I've compiled some key reactions to President Obama's announcement.

So far I've found 7 Republican politicians and 7 industry groups that are supportive of the President's decision, and 2 Democratic politicians and 12 public interest groups that are critical of the decision. If you know of other statements that should be included here, please let me know.

Notably, even as the Republicans and industry groups praised the decision, many of them managed to include an attack on the President in their statement as well.

Breathing uneasily: Obama retreats on tightening smog standards

Baltimore Sun (Editorial)
2:48 p.m. EDT, September 7, 2011
By Rena Steinzor

Obama's pandering to business on air pollution will cost lives

In a decision that outraged public health experts and environmentalists Friday, President Barack Obama announced that he had directed the U.S. Environmental Protection Agency not to do anything further to lower smog in the air until 2013 — after he has been reelected (or so he hopes). EPA Administrator Lisa Jackson was about to tighten controls, which are at this moment significantly less protective even than what the Bush administration thought acceptable. But President Obama, apparently anxious to placate relentless critics at the American Petroleum Institute and the Chamber of Commerce, told Ms. Jackson to back off.

The business groups could hardly contain their glee, disingenuously describing the president's decision as an "enormous victory for America's job creators." Too bad, I guess, for Americans who breathe, the vast majority of whom will now be faced with the consequence of this phony choice between jobs and clean air — air that is, according to the EPA's scientific advisory panel, unsafe.

For Maryland, Mr. Obama's pander was very bad news. The air in the Baltimore/Washington corridor fails to meet the EPA's current — weaker — safety standards. As a result, Code Orange alert days, when the air is so bad that children, asthmatics and the elderly are warned to stay indoors, have become routine. Evaluating Maryland air quality, the American Lung Association gave every place an "F" except for Baltimore City and Garrett County, which got "C's," and Worcester County, which got a "D."

Republican Party Harford County has had 49 Code Orange days this year, leading the state. Cecil is next with 34; Anne Arundel had 31; and Baltimore County had 24. (It seems paradoxical for the state's biggest city to be doing better than Harford or Anne Arundel, but the reason is the wind, which blows all the smothering gases from I-95 traffic, power plants and chemical plants into the suburbs.)

About 1.3 million Marylanders suffer from cardiovascular disease, and 140,000 of our children have asthma. For many of them, unrelenting smog could become debilitating. That's if they're lucky. If they're not, it could become an early death sentence. According to the EPA's analysis, stronger smog standards could have saved 4,300 lives nationally and avoided as many as 2,200 heart attacks a year.

President Obama's retreat is particularly craven because EPA Administrator Jackson had made a deal with environmental organizations in 2009 to immediately reconsider the Bush administration's ozone standard. The groups had brought lawsuits against the EPA because the Bush-proposed standard was so much weaker than the one a blue ribbon panel of scientific experts said was necessary to fulfill the Clean Air Act's mandate to protect public health. The deal Ms. Jackson struck with the organizations required action by August 2010, but the EPA missed the deadline repeatedly. Now, we must live with a 1997 standard much weaker even than what the Bush administration proposed, at least until 2013.

After taking the unusual step of issuing a statement personally derailing the EPA's efforts, Mr. Obama sent White House regulatory czar Cass Sunstein out to give Ms. Jackson her humiliating marching orders. The logic of these orders suggests he has been making visits down the Rabbit Hole with Alice: The 1997 standard cannot be changed because in 2013, the EPA might decide to change it again. Better to have only one decision made, and a let a few more thousand people die in the meantime. They're anonymous deaths, after all.

The science here is squarely against the president. But what makes the decision doubly mystifying is that the politics are lousy as well. Business groups and Republicans in Congress won't lay off Mr. Obama now that they've won this one; they'll just move on to a different regulatory fight. And it's hard to imagine a groundswell of campaign contributions from polluting industries to the Obama reelection effort.

Perhaps President Obama is assuming that voters who have children with asthma or heart conditions will conclude they have no better choice than him. That may well be true. But it takes more than traditional Democrats listlessly pulling levers to win these days, as the president should remember from the last time around, when he pledged to be a transformative — not a business-as-usual —leader.

Rena Steinzor is a professor of law at the University of Maryland Carey School of Law and the president of the Center for Progressive Reform (www.progressivereform.org). Her email is rsteinzor@verizon.net

Ozone decision shortsighted

Sarasota Tribune
Published: Wednesday, September 7, 2011 at 1:00 a.m.

Too often, our nation fails to seize opportunity. Worse, it sometimes throws one away.

The Environmental Protection Agency states:

* Ground-level ozone is created by a chemical reaction between oxides of nitrogen and volatile organic compounds in the presence of sunlight.

* Sources include motor vehicle exhaust and industrial emissions, gasoline vapors, and chemical solvents as well as natural sources.
A case in point is the president's recent decision to scuttle proposed new standards for the reduction of ground-level ozone, a major component of smog.

The proposal represented an opportunity to improve public health and nudge the U.S. toward more sustainable practices, with long-needed investments in clean-energy infrastructure.

But President Barack Obama chose to stick with current ozone standards, out of fear that stricter rules would impose high costs on industry, consumers and out-of-compliance county governments.

To be sure, the expense of implementation — projected broadly between $19 billion and $90 billion a year by 2020 — would be considerable. Business interests warned of job cuts and higher prices.

Those impacts are clearly unwelcome as the U.S. struggles with an unemployment rate stuck near 9 percent. But if the country had done more to fight ozone in good times, when the economy was strong, we would now be reaping the benefits.

Such is the danger of delay when it comes to doing the right thing. A narrow focus on lowering costs today can prevent the country from making clean-air investments for the future.

Practices that save money for industry can shift expenses onto the victims of ozone pollution, leading to thousands of emergency room visits a year, countless lost workdays and possibly increased deaths. Ozone pollution also can lower crop yields and damage vegetation, according to the Environmental Protection Agency.

Federal studies predict that the cost of tighter ozone restrictions would be balanced by savings related to better health.

In addition, we believe, money plowed into industrial emission controls would support jobs, as all infrastructure investments do. That's not to say there would be no market disruptions, but the point is that the short-term pain ultimately would lead to economic growth and help the U.S. reach long-term environmental goals. Those are productive, desirable ends.

A great nation must continually invest in itself. Dollars for ozone reduction are now scarce, but Americans can still contribute to better air quality by making conservation improvements in their own lives.

These steps are no mystery: Drive less. Cut energy waste at home and at work. Be cautious with paints and other chemicals whose vapors contribute to ozone. In landscapes, reduce the use of polluting lawn mowers. Develop walkable communities that do not foster urban sprawl.

These are ways to help the nation and each other — even if Washington won't.

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These are ways to help the nation and each other — even if Washington won't.

Memo to EPA chief Lisa Jackson: Defy Obama or resign

Grist
September 7, 2011
By Thomas McGarity

Last Friday, President Obama ordered EPA Administrator Lisa Jackson to withdraw EPA's new ambient air quality standard for ground level ozone (smog). The order came in a letter [PDF] from Cass Sunstein, the head of the Office of Information and Regulatory Affairs in the Office of Management and Budget.

The order does not pretend to be based on science. Indeed, it flies in the face of the available science on the human health effects of ozone as determined on at least two occasions by EPA's Clean Air Scientific Advisory Committee (CASAC). The White House acknowledges -- even touts -- that the order is based on economic considerations. (President Obama wrote in a statement Friday that "I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover. With that in mind, and after careful consideration, I have requested that Jackson withdraw the draft Ozone National Ambient Air Quality Standards at this time.") But the Supreme Court, in a unanimous decision written by Justice Antonin Scalia, held that costs are not to be considered in setting ambient air quality standards.

If Jackson obeys the order, her action may not strictly violate the letter of the Clean Air Act, but it will violate the spirit of that statute. It will also be the wrong thing to do from a public policy perspective. Leaving the current standard in place will (according to EPA's own calculations) result in up to 2,200 heart attacks and up to 4,300 deaths per year.

Jackson should therefore disobey the order or resign.

The determination of the appropriate level for the national ambient air quality standard for ozone is not Cass Sunstein's or Barack Obama's decision to make. The Clean Air Act delegates the decision to promulgate ambient air quality standards to the administrator of EPA, not the president or his White House underlings.

In other words, Jackson is the delegated decision-maker, and she is duty-bound to act in accordance with the statute. Although the White House has not disclosed the contents of the package that EPA sent to it back in July, Jackson had concluded that the law and the available science demand a more stringent standard (citing, in 2010, "concerns that the 2008 standards were not legally defensible"). She should therefore propose the standard that she, not President Obama, deems most appropriate. Furthermore, she should honor a commitment that she made to environmental organizations who had challenged the insufficiently stringent George W. Bush administration standard that she promulgate a new standard expeditiously if they put their lawsuit on hold.

Realistically, it is not very likely that Jackson will violate a direct order of the president to put the standard aside until after the election. If not, she should therefore do the honorable thing and resign.

Let me explain.

Under the Clean Air Act, EPA is required to establish ambient air quality standards at a level that protects human health with an adequate margin of safety. It's at this standard-setting stage that the Supreme Court made clear that costs may not be considered -- the law doesn't call for it, and it's not for the courts, EPA, or the president to attempt to insert cost as a factor. Once a standard is established, the states are supposed to require sources of ozone-producing pollutants, such as power plants and refineries, to implement controls that are sufficient to ensure that the standard will be attained in the future. Costs may, of course, be taken into account in writing state implementation plans. That means that EPA's task at hand is to make a scientific judgment about what the standard should be -- not a political or economic one. How, when, and at what cost the states live up to the standard is a separate decision.

The act also requires EPA to reexamine the science every five years and determine whether a standard needs to be revised, again, based on the science. Since EPA first began writing standards for ozone in 1970, the standards have become increasingly stringent as more scientific information has demonstrated that photochemical oxidants have adverse effects on human beings at lower and lower concentrations.

The currently applicable standard of 84 parts per billion (ppb) was promulgated in 1997. When the George W. Bush administration finally got around to revising the standard in 2008, it proposed a standard of 75 ppb, which was less stringent than the 60-70 ppb range that CASAC had recommended. In an extraordinary act of resistance, CASAC told the EPA administrator that the proposed standard was not supported by the scientific evidence. Not surprisingly, environmental groups challenged the Bush administration standard in court. As mentioned above, they put their lawsuit on hold to give EPA time to write a more stringent standard.

Soon after president Obama was inaugurated, Jackson struck a deal with the environmental organizations, under which EPA withdrew the Bush administration standard and promised to propose a new (and presumably more stringent) standard by August 2010. The agreement effectively left the outdated 1997 standard in place, because EPA told the states not to worry about implementing the withdrawn standard.

EPA missed the August 2010 deadline. Out of an abundance of caution, Jackson asked CASAC to review the scientific information one more time. CASAC did so and once again recommended a standard in the 60-70 ppb range. In January of this year, Jackson said that EPA would propose a standard in that range. The agency then completed its proposal and sent it to the White House Office of Management and Budget in July, where it languished until last Friday.

If Jackson now reneges on her agreement with the environmental organizations and puts the ozone standard on the back burner until 2013 or later, Americans living in cities -- where ozone pollution is at its worst -- will be left in worse shape than they would have been had the inadequate Bush administration standard gone into effect.

When White House officials ordered EPA Administrator Bill Reilly to narrow the agency's definition of "wetlands" under the Clean Water Act during the George H.W. Bush administration, he refused to do so, and the White House backed off. Four days after being humiliated by the disclosure that a White House underling had rewritten the global warming section of a major agency report on air quality, President George W. Bush's first EPA administrator, Christine Todd Whitman, deleted the rewritten section from the report and resigned.

For the last two-and-a-half years, Jackson has been an outstanding EPA administrator. Like Bill Ruckelshaus in 1983, she stirred a shell-shocked agency into action and renewed the government's commitment to clean air and water. The nation owes her an enormous debt of gratitude.

But she has now been ordered to sacrifice the public health in pursuit of an elusive promise from the energy industry that reducing environmental protections will magically yield economic growth. We have been down that road before during the early years of the Reagan administration, during the last year of the George H.W. Bush administration, and during the entire George W. Bush administration. And we know from past experience that both environmental degradation and economic stagnation lie at the end of that road.

Jackson has served ably and courageously. With her boss now telling her to do the unconscionable, she's got one last act of courage ahead of her, leaving her with only two reasonable alternatives. She should either defy him or step down. Either way, she'll be a hero.
Thomas O. McGarity holds the Joe R. and Teresa Lozano Long Endowed Chair in Administrative Law at the University of Texas in Austin. He is a member of the board of directors of the Center for Progressive Reform, and the immediate past president of the organization.

Letters: Foul decision on air quality

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President Barack Obama speaks to an enthusiastic crowd during a Labor Day event in the shadow of the GM Renaissance Center in Detroit, Mich. (Sept. 5, 2011)

President Barack Obama has caved in to big polluters ["Obama drops smog rule after GOP pressure," News, Sept. 3]. After all the years of clean air legislation, we are moving backwards.

Doesn't the president know that more people, not fewer, are suffering from asthma and other lung and respiratory diseases? Aren't we trying to reduce the cost of health care?

How can you speak of one without thought to what the consequences will be to everyone's health if we step backwards on environmental control?

Janet Lehmbeck-Morgan, Valley Stream

President Obama is taking a Republican wrong position on the environment. If he does not update smog standards, he will not get my vote in the next Democratic primary, as I am sure there will be another person opposing him.

I am 82 years old, and all of a sudden, I am having all kinds of breathing problems. But, I am mainly concerned about my young grandchildren.

Robert E. Tolimieri, Seaford

Why did President Obama back away from a recommendation to update smog standards? Studies have shown that raising the standards would save thousands of people with asthma and other lung ailments.

I'm concerned that the president is slowly backing off from the proposals he ran for in the last election. He should stop trying to make everyone happy, especially the Republicans in Congress, and do what is right!

Although it would cost some industries money to upgrade, it would also create jobs making clean-air products. I urge all my fellow Long Islanders to contact the president, the EPA and our congressional leaders to support the recommended clean-air initiatives.

Nick VanAtter, Centereach