

The Clean Air Act

40 Years of Science-Based Public Health Protection

The Clean Air Act was designed to curb air pollutants and address new dangers as they are identified by modern science.

Some critics claim that EPA needs direction from Congress before responding to new pollution threats, like the gases that contribute to global warming. But as the Supreme Court affirmed in *Massachusetts v. EPA*, Congress directed EPA to act on the science without waiting for legislators to pass new laws. By acting on global warming pollutants, EPA is following the law and the science just as Congress intended.

The Clean Air Act was always intended to cover a wide variety of dangerous air pollutants.

In the beginning, clean air standards covered only five pollutants. But EPA has been doing its job for the last 40 years and based on the science, now protects the public from dozens of additional dangerous pollutants. Now is not the time to stop.

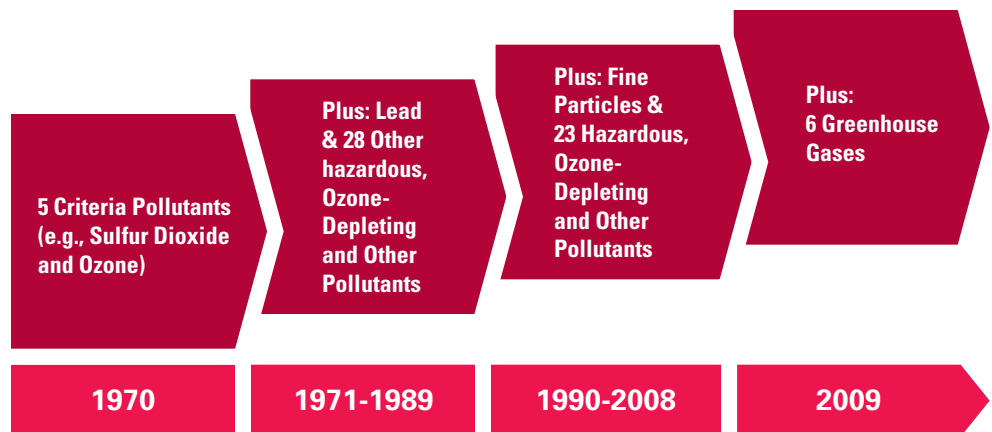
The Clean Air Act has covered “climate” from the beginning.

Since 1970 the Clean Air Act has curbed pollutants that harm public welfare, a term that specifically includes harm to the “climate.”

Congress has never vetoed an “endangerment” determination.

Several proposed bills would block EPA from setting limits on global warming pollutants. There is no precedent for this. Congress has never vetoed an EPA “endangerment” determination, de-listed pollutants, or declared that they are not pollutants at all. Now is not the time to start.

Timeline of Pollutants Listed by the EPA Under the Clean Air Act



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POLLUTANTS LISTED BY THE EPA UNDER THE CLEAN AIR ACT:

1970

National Ambient Air Quality Standard: Particulate Matter, Carbon Monoxide, Nitrogen Oxides, Sulfur Dioxide, Ozone

1971-1990

NAAQS: Lead

New Source Performance Standards: Sulfur Dioxide, Nitrogen Oxides, Particulate Matter, Sulfuric Acid Mist, Carbon Monoxide, Visible Emissions, P₂O₅, Fluorides, Total Reduced Sulfur, Volatile Organic Compounds, Polypropylene, Total Organic Compounds

Fuel Additives: Lead, Phosphorous, Benzene, Oxygenates, VOCs, Heavy Metals

Hazardous Air Pollutants: Asbestos, Beryllium, Mercury, Vinyl Chloride, Benzene, Radionuclides, Inorganic Arsenic, Coke Oven Emissions

Ozone Depleting Chemicals: Chlorofluorocarbon-11 (CFC-11), Chlorofluorocarbon-12 (CFC-12)

1991-2008

NAAQS: Fine Particles

NSPS: Hydrogen Chloride, Lead, Cadmium, Mercury, Hydrogen Chloride, Dioxin/furan, Nonmethane Organic Compounds (NMOC)

Fuel Additives: Sulfur

Diesel Additives: Nitrogen Oxide, Hydrocarbons, Formaldehyde, Sulfur (to reduce SO_x)

Mobile Air Source Toxics: 20 pollutants, from Acrolein to Xylene

Ozone Depleting Chemicals: Methyl Bromide

2009

Greenhouse Gases: Carbon Dioxide, Methane, Nitrous Oxide, Hydrofluorocarbons, Perfluorocarbons, Sulfur Hexafluoride

Massachusetts v. EPA

The Supreme Court ruled in 2007 that Congress wrote the Clean Air Act not only to remedy the air pollution problems known four decades ago, but also to address new dangers as science identifies them. The Court explained that Congress gave EPA the responsibility to address all kinds of dangerous air pollutants, including greenhouse gases:

Indeed, the Act's sweeping definition of "air pollutant" includes "any air pollution agent or combination of such agents, including any physical, chemical ... substance or matter which is emitted into or otherwise enters the ambient air" § 7602(g) (emphasis added). Carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons are without a doubt "physical [and] chemical ... substance[s] which [are] emitted into ... the ambient air." The statute is unambiguous.

Because greenhouse gases fit well within the Clean Air Act's capacious definition of "air pollutant," we hold that EPA has the statutory authority to regulate the emission of such gases from new motor vehicles.

If EPA makes a finding of endangerment, the Clean Air Act requires the agency to regulate emissions of the deleterious pollutant from new motor vehicles.

549 U.S. 487 (2007). Quoted passages are from pp. 528-29, 532, and 533.

