A Clean Air Rule to Keep

Among the many environmental indictments of the Bush administration is that it has failed in two terms to achieve any significant reduction in smog, acid rain, mercury and greenhouse gas emissions from coal-fired power plants. Its one serious effort to reduce some of these emissions was shot down by the federal courts. And conditions could easily get worse — weaker laws, more pollution — if President Bush proceeds with a last-minute rule change aimed at stripping the Clean Air Act of one of its most important provisions.

The provision, known as new source review, requires utilities to install up-to-date pollution controls whenever they significantly upgrade an older plant to produce more power. Written in 1977, it offers regulators one of the few ways to get a handle on pollution from hundreds of aging coal-fired power plants.

Under present law, modern pollution controls are required whenever an upgrade would result in increases in annual emissions. The new rule would measure emissions on an hourly basis. That may sound like an innocent word change. It is not. An upgraded plant could be driven harder and made to work more hours, resulting in greater annual emissions.

There is a large constituency for keeping the present rule — the medical community, which worries about asthma and other respiratory diseases, environmentalists who worry about forests dying from acid rain, and officials in Eastern and Northeastern states whose air is polluted by emissions that float downwind from Midwestern power plants. Just last week, New England’s governors sent a letter to Stephen Johnson, administrator of the Environmental Protection Agency, pleading to leave new source review as is.

The constituency for changing the rule is, by contrast, very small. It may not even include Mr. Johnson, who is tired of fighting the clean air wars. But it does include some of the country’s biggest utilities, which do not want to spend the money to install pollution controls, and Vice President Dick Cheney, who opposes the rule because the utilities do.

If Mr. Cheney prevails, President-elect Barack Obama should try to reinstate the old rule as soon as he takes office. If not, the cost to public health and the planet could be enormous.