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NATIONAL HEADQUARTERS

Charles D. Connor
President &
Chief Executive Officer

1301 Pennsylvania Ave., NW
Suite 800
Washington, DC 20004-1725
Phone: (202) 785-3355
Fax: (202) 452-1805

14 Wall St.
Suite 8C
New York, NY 10005-2113
Phone: (212) 315-8700
Fax: (212) 608-3219

www.LungUSA.org

May 13, 2010

The Honorable John Kerry
U.S. Senate
Washington DC 20510

The Honorable Joe Lieberman
U.S. Senate
Washington DC 20510

Dear Chairman Kerry and Chairman Lieberman:

We at the American Lung Association were surprised to see language included in the draft American Power Act that would unleash a dangerous process to attack life-saving rules on coal-fired power plants and threaten to permit much more air pollution around the nation. (Section 802 pp 179-187) The proposal creates an open door through which millions of tons of life-threatening pollution could be allowed to flow. We strongly oppose these provisions and request that you strike them from the bill. The American Lung Association cannot support legislation that includes changes to the Clean Air Act that undermine the protection of public health.

Burning coal creates particle pollution and key components of ozone. Both pollutants can kill. Pollution from these power plants is considered to cause nearly 24,000 early deaths each year through their toxic impact on the lungs and other parts of the body. Both pollutants cause wheezing, coughing, asthma attacks; both send children to the emergency room and people with lung disease to the hospital. Particle pollution causes heart attacks and strokes and may lead to lung cancer. These are lethal substances, recognized as such by repeated scientific review. The draft bill invites attack on safeguards applying to a horde of other noxious emissions, known under the Clean Air Act as hazardous air pollutants, which include mercury, arsenic, lead and other toxics.

Cleaning up the air pollution from coal-fired power plants has long been a priority for the American Lung Association –and for the U.S. Congress. In 1990 in the Clean Air Act, Congress gave the U.S. Environmental Protection Agency and the states clear mandates to require the cleanup of emissions from major sources like these power plants because of the enormous harm those emissions do to public health. In response, the electric utility industry has spent decades fighting those protections in court and in the regulatory process. We have urged EPA to clean up these plants and the agency has now begun to do so.

Section 802 creates an irresponsible process to roll back tools every community needs to protect its most vulnerable residents – children, seniors and those with chronic diseases – against dangerous air pollution. The provision creates a task force that would authorize the review and re-writing of rules currently in place that communities need to protect the lives and health of their citizens. Further, it give the electric power industry a new venue to seek weakening of cleanup rules indefinitely based on claims of reliability and job loss, while conveniently ignoring the deaths and other health effects caused by their spewing smokestacks.

The American Lung Association will undertake a careful review of the draft legislation and we will communicate any additional concerns to you. If you have any questions, please contact Paul Billings, Vice President, National Policy & Advocacy 202-785-3355 or pbillings@lungusa.org.

We urge you to strike Section 802 and reject any amendment that weakens the health protections of the Clean Air Act.

Sincerely

A handwritten signature in cursive script, appearing to read "CD Connor".

Charles D. Connor
President & CEO

cc. The Hon. Barbara Boxer, Chairman, Committee on Environment and Public Works
The Hon. Tom Carper, Chairman, Subcommittee on Clean Air and Nuclear Safety
The Hon. Harry Reid, Majority Leader