

2002, at the age of 19. His family's lawsuit sits on the court docket in Cuyahoga County, along with another 34,000 claims.

Children who grew up in the asbestos mining town of Libby, Montana, breathing in asbestos fibers stirred up by the street traffic as they road buses to school, now, as adults, are experiencing asbestosis symptoms. Under the current system, they have no hope of compensation.

Ron Huber, who worked 35 years in a steel mill, joined an asbestos suit in 1995 although he had no symptoms of asbestos related illness. His attorney accepted a small settlement which, according to Huber, was wholly applied to legal costs. By 2002, he was truly experiencing symptoms of asbestos-related disease. He is suing the only person not released by settlement of the 1995 case—the attorney who recruited him for that suit.

Drew Anders, who spent 15 years working for a company that was forced to declare bankruptcy in reaction to growing asbestos litigation, watched his \$50,000 retirement account fall to \$1,500.

A small business owner in Louisiana who never manufactured anything containing asbestos once used a asbestos-threaded nut in a piece of machinery. Although there is no evidence that this nut causes asbestos related disease, this man's company pays \$75,000 to \$100,000 a year in asbestos-related claims.

A research company that released one of the first studies establishing the health risks of asbestos—a report that saved lives and improved working conditions—is named in over 60,000 cases every year. The principals of this firm, which never used or manufactured asbestos products, spend hundreds of thousands of dollars annually in settlements.

Today, I am introducing the FAIR Act of 2005. This bill is based on bipartisan asbestos trust fund negotiations carried out during the last months of the 108th Congress. It puts patients ahead of plaintiffs and would dramatically reduce the cost of asbestos litigation. I call on us to work together and pass a bill that helps victims and companies affected by asbestos litigation, while benefiting the economy and boosting the stock market.

INTRODUCTION OF THE "CLEAN SMOKESTACKS ACT OF 2005"

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. WAXMAN. Mr. Speaker, today I am again joining with Representative BOEHLERT in introducing the "Clean Smokestacks Act of 2005." This important legislation will finally clean up the Nation's dirty, antiquated power plants.

When I originally introduced the "Clean Smokestacks Act" with Representative BOEHLERT in the 106th Congress, we had a modest beginning. We had a total of 15 cosponsors and little attention.

But in the 107th and 108th Congresses, the bill's supporters grew to over 100 House members. During that time, Senator JEFFORDS successfully reported the companion legisla-

tion, the "Clean Power Act" from Committee. And even the Bush Administration, at least in rhetoric, recognizes that we urgently need to clean up these power plants.

Electricity generation is our Nation's single largest source of air pollution, including greenhouse gas emissions. Nationally, power plants are responsible for about 39 percent of carbon dioxide emissions, 67 percent of sulfur dioxide emissions, 22 percent of nitrogen oxides emissions and 41 percent of mercury emissions.

These four pollutants are the major cause of some of the most serious environmental problems the Nation faces, including acid rain, smog, respiratory illness, mercury contamination, and global warming. If we are going to improve air quality and reduce global warming, we must curb the emissions from these power plants.

Earlier this week, EPA took a first half-step towards reducing emissions of sulfur dioxide and nitrogen oxides emissions from some of these old plants, but EPA's regulation would still allow huge quantities of pollution from these plants and leave many plants operating without any modern pollution controls. On mercury, EPA's regulation would allow most old power plants to avoid ever installing pollution controls to reduce mercury emissions. And EPA has done nothing to address increasing carbon dioxide emissions from these plants.

When the original Clean Air Act was enacted in 1970, the electric utility industry argued that stringent controls should not be imposed on the oldest, dirtiest plants since they would soon be replaced by new state-of-the-art facilities. Although Congress acceded to these arguments and shielded old power plants from the law's requirements, many of these facilities—which were already old in 1970—are still in use. There are many power plants from the 1950's that are still in operation and have never had to meet the environmental requirements that a new facility would.

As a result, a single plant in the Midwest can emit as much NO<sub>x</sub> pollution as the entire state of Massachusetts.

The Clean Smokestacks Act says it is time to clean up these aging plants. The Act sets strong emissions reduction requirements for all four of the key pollutants from power plants, and it finally sets a deadline for old plants to install modern pollution controls. The Act allows for emissions trading to increase flexibility and reduce costs, where trading won't cause environmental harm. And the Clean Smokestacks Act promotes cost-effective energy efficiency and renewable energy measures, which help reduce pollution and save consumers money.

This approach just makes sense. Because these power plants are so old and so dirty, cleaning them up provides tremendous benefits at reasonable costs. This is one of the cheapest ways to get significant air quality improvements. And it finally provides a level playing field for new and old plants.

At the same time, this approach gives industry the benefit of increasing regulatory certainty by targeting all four pollutants at once. Industry can make better investments if it knows what all of the emissions requirements will be over the next decade or so.

Finally, the Clean Smokestacks Act recognizes that we need clean air, not regulatory

loopholes for irresponsible energy companies, so it leaves the Clean Air Act in place.

Since we first introduced this bill, the President has unveiled a competing proposal, which has been introduced as S. 131 in the Senate. The Administration claims that S. 131 targets the same goal of cleaning up power plants. It's important to recognize, however, that the Clean Smokestacks Act and S. 131 are not similar proposals with different levels of stringency. Rather, they have fundamentally different purposes and effects.

The Administration's proposal aims to help the energy industry escape tough enforcement of the Clean Air Act. It does this by rewriting significant portions of the Clean Air Act to weaken or delete key environmental protections that are cleaning up the air.

For example, S. 131 would give power plants an extra 10 years to avoid reducing toxic mercury emissions. S. 131 would also allow people to breathe unsafe air for years longer, limit the rights of states to protect themselves against out-of-state pollution, and weaken protections for national parks, among other changes to the Clean Air Act. Not surprisingly, industry is spending millions to urge Congress to adopt S. 131, while advocates for public health and the environment, such as the American Lung Association, almost universally oppose the bill.

Moreover, unlike the Clean Smokestacks Act, S. 131 does not guarantee that all outdated power plants will ever install modern air pollution controls. And because S. 131 does not address carbon dioxide emissions, it cannot promise to give industry certainty regarding future federal or state emissions reductions requirements.

So let there be no mistake—the Clean Smokestacks Act in the House, and the Clean Power Act in the Senate, are the proposals to strengthen the Clean Air Act by finally closing the loophole for old dirty power plants and addressing all four pollutants they emit.

In conclusion, let me commend Rep. BOEHLERT and all of the supporters of this legislation. I am pleased to be part of this bipartisan, bicameral approach to strengthening the Clean Air Act and protecting our environment.

HONORING THE TONAWANDA NEWS

**HON. THOMAS M. REYNOLDS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to recognize the Tonawanda News, based in North Tonawanda, New York, on the occasion of its 125th Anniversary. Over the past 125 years, the Tonawanda News has become the written record for the Tonawandas, a trusted source of information and a cornerstone of the community that it serves.

The Tonawanda Daily News was founded on April 1, 1880, by Dr. George S. Hobbie, when the newspaper's first edition rolled off the presses with just four pages of newsprint. It was the Tonawandas' first and only daily newspaper dedicated to reporting news in the cities of Tonawanda and North Tonawanda.