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For Immediate Release
June 23, 2011

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REPORT: EPA FORTY YEARS OVERDUE ON NITRIC ACID RULES

Harmful emissions continue to spew despite availability of cheap technology.

Nitric acid plants emit dangerous air pollutants that cause illness and alter the climate. A new study, released today, finds EPA long overdue on a regulatory revision and at risk of allowing major costs to be imposed on the American public.

Nitric acid factories—which mainly produce the ingredients for fertilizer—have escaped pollution control requirements based on contemporary science and technology. Despite a statutory requirement to review and revise related regulations every eight years, the rules governing these plants have not been updated in four decades.

During that time, the technology for cleaning up emissions has drastically changed, rendering the old rules outdated and insufficient. Life-saving technologies are now easier and cheaper but have not been put in place by most plants.

In the forty years since nitric acid plant regulations have been revised, new research has also shown greater harm from the pollutant than originally thought, which means greater benefits to cutting emissions. Savings like higher productivity, fewer sick days, and less risk for untimely death add up to significant benefits that are not currently being taken into account.

“EPA has had long enough to catch up with the technology. It must now give these facilities an incentive to reduce their pollution,” said Michael Livermore, Policy Integrity’s executive director.

Since 1971, the last time these rules were updated, scientific consensus on the danger of an additional pollutant has emerged: nitric acid plants also emit a powerful greenhouse gas. In 2009, nitric acid production accounted for the equivalent of the annual greenhouse gas emissions of 2.6 million cars. These nitrous oxide (N₂O) emissions have never been regulated.

EPA has already found that the costs of reducing greenhouse gases from nitric acid plants may be as low as \$2.32 per ton, while the benefits could be as high as \$64.90 per ton.

“The risks of climate change are now well documented: EPA can no longer afford to ignore the greenhouse gas emissions from industrial sectors like nitric acid plants. That’s particularly true given the fact that cutting these pollutants will have major public health benefits and cost relatively little,” said Jason Schwartz, legal director for Policy Integrity.

Under President Barack Obama, EPA has promised to address issue, but since that announcement, there has been almost a year of inaction.

The content of today’s report has been submitted to EPA in an official letter.

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[The Institute for Policy Integrity](#) at New York University School of Law is a non-partisan think-tank using economics and law to protect the environment, public health, and consumers.

For interviews with Michael Livermore or Jason Schwartz call 212-998-6085 or email ednai@nyu.edu.

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