

**1,000 Points Of Light Shrouded In Photochemical Smog
The Failure Of De-Federalized Air Pollution Control**

by

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Thesis

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PREFACE

I grew up watching old cowboy movies on Saturday afternoons. Inevitably, the action centered around clean shaven men in white hats chasing unshaven men in black hats through sandstorms, over mountains and across canyons. I was always mystified when the "White Hats" called off the chase at some arbitrary sign in the desert which read "Welcome to Oklahoma" or "Texas State Line." I thought it utterly absurd that the good guys would chase the bad guys for weeks only to give up at the border of a state. To a seven year old who had not yet come in contact with notions of sovereignty and federalism, it simply made no sense.

While I now understand notions of sovereignty and federalism, the idea of pursuing a harm to a state line and then stopping still makes no sense. Yet, our nation's air pollution control program mirrors the seemingly illogical system of justice that dominated the Old West. Pollution control officials take great strides to prevent pollution sources from fouling the air in their own states but feign impotence when the wind carries this pollution across the state boundary. The desire to understand and expose the incoherence of this multi-billion dollar program has motivated this project.

The "Black Hat" in this story is ozone pollution, the urban smog that makes breathing hazardous to the health of over 100 million Americans each summer. Unlike the Saturday

movies of my youth, this story is more an "Eastern" than a "Western." Although Southern California experiences our nation's highest ozone levels, the phenomenon of interstate pollution transport, upon which this study focuses, is most significant along the East Coast where the states are small and crowded with large urban centers.

Part I of this thesis describes the ozone problem and the cooperative Federal/State system Congress created to address it. The discussion is divided into three Chapters: Chapter 1 explains the nature of the ozone problem and the basic structure of the clean Air Act; Chapter 2 demonstrates how the ozone transport phenomena confounds the Clean Air Act's regulatory structure; and Chapter 3 examines Rhode Island which possesses the bizarre status, "Attainment But For Transport." (A close cousin to the status, "Clean But For Pollution.")

The attempt to abate a vast interstate problem with a decentralized, state control structure might at first smack of the same absurdity as the Old West Justice outlined above. However, this isn't the movies and this isn't the Old West. The individuals attempting to abate our nations air pollution problem are without exception knowledgeable and conscientious. Part II is the true core of this work. It attempts to explain the organizational breakdown that has fostered and maintained a clearly incoherent pollution control structure. This explanatory section focuses upon notions of the Reagan's Administrations pursuit of a New

Federalism and upon the bureaucracy's inability to adjust to new scientific understanding.

Part III, the final section of this work, is a proposal for change. It appears that Congress will reconsider the Clean Air Act sometime this year. Part III argues that we must abandon the antiquated notion that air pollution is a local phenomena by creating a regional regulatory structure which acknowledges the wind.