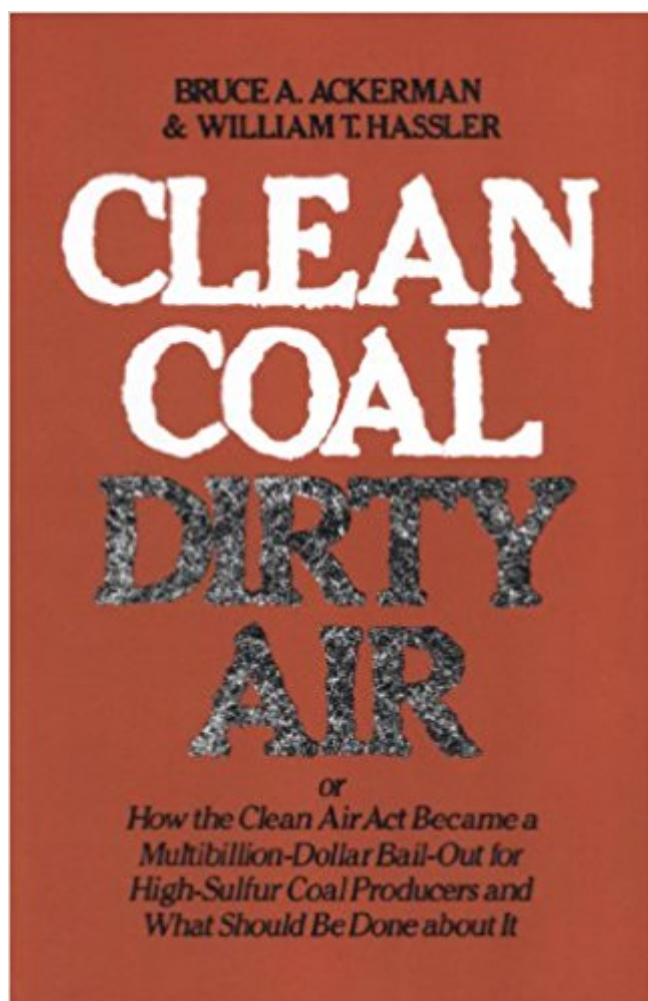


The book was found

Clean Coal/Dirty Air (Yale Fastback Series)



Synopsis

A path-breaking effort in constitutional theory which brings a new clarity to the interpretation of the Fifth Amendment's just compensation clause. Essential reading for lawyers concerned with environmental regulation or the general development of constitutional doctrine.

Book Information

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Administrative Law

Customer Reviews

Great writing great subject

This book is very old and is mostly a critique of certain specific policies in air quality protection in the 70s. It was not useful to me in the research on the subject of air quality protection as a whole.

Contains partisan bias.

In 1977, Congress sought to reduce sulfur dioxide pollution by requiring the best available technology to reduce pollution. Ackerman shows that this statute (and its subsequent interpretation

by the EPA) was the result of special-interest politics. Coal producers in the east produced high-sulfur coal, while coal producers in the west produced less polluting low-sulfur coal. Thus, eastern coal producers would have suffered from restricting sulfur directly, and lobbied Congress and the EPA to shift the cost of pollution cleanup to coal-burning utilities by requiring the latter to use scrubbers to "clean" the coal. Ackerman points out that a less costly solution would have been to set a ceiling on sulfur emissions; this would have allowed utilities to reduce pollution by using low-sulfur coal without having to pay for scrubbers. But eastern coal interests discouraged this solution and the EPA listened. Ackerman explains how Congress can prevent this sort of special-interest capture: instead of telling EPA what means it should use to (for example) reduce sulfur dioxide pollution, Congress should give EPA more discretion. Instead of directing what technology should be used (or even telling EPA to mandate the best available technology) Congress should set forth a pollution-reducing goal but let EPA decide whether to reach that goal through improved technology or through some other means. Because Ackerman's book is over 30 years old, I am not sure how any of this applies to 21st-century problems.

A classic in the field, Ackerman and Hassler examine the political context and policy incentives of the 1970 Clean Air Act. This isn't a study about SO₂ pollution as much as a study about how and why policy decisions were made. It's particularly helpful in understanding why Eastern coal producing states, in an effort to prevent the wholesale rush to Western coal, pushed scrubbers as "the" solution to acid rain. Though there is some of the righteous indignation that seemed to characterize early 1980 policy studies, the book is useful as: a cautionary tale of the distortions caused by command-and-control solutions, a look at how conflicting legislative goals are reconciled, and a necessary background to understanding why the 1990 Clean Air Act turned to tradable permits.

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