

Please Oppose Legislative Riders During the FY2016 Appropriations Process

The American Lung Association urges all Members of Congress to oppose legislative riders that would endanger lung health in the FY2016 funding bills, including:

H.R. 3049, the House Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill:

1. Sec. 747

This rider would weaken the Tobacco Control Act (TCA) and significantly limit FDA's ability to protect Americans, including children, from the many unregulated and untested tobacco products that are currently on the market. By changing the so-called "grandfather date" for these products, Section 747 would exempt them from an important product review requirement and leave FDA with far fewer tools to take prompt action to protect children from the thousands of fruit and candy flavored e-cigarettes and little cigars that flooded the market in recent years.

One of the major purposes of the TCA was to end the ability of the tobacco companies to introduce new, addictive products without any review or oversight. The TCA set a new standard for tobacco products introduced in the market after February 15, 2007. Manufacturers are now required to provide information to FDA so that the agency can conduct a science-based assessment of the risks to public health of a new tobacco product before it is sold. While FDA is trying to catch up to a rapidly changing marketplace and is proposing to assert jurisdiction over all tobacco products like flavored e-cigarettes and little cigars, Congress should not make FDA's job of protecting public health more difficult by allowing these products to remain on the market without FDA being able to conduct a thorough review in the future.

H.R. 2822, the Interior, Environment, and Related Agencies Appropriations Bill:

1. Sec 438

This rider will delay or permanently block much-needed updates to the national ozone standard, and create a backward incentive for communities not to reduce ozone pollution. Ground-level ozone pollution, often called smog, causes breathing problems, asthma attacks, and even premature death. Ozone is also linked to cardiovascular harm and low birth weight.

The current ozone standard is outdated; it allows ozone levels known to be harmful, and can dangerously mislead people who rely on information about local air quality – like parents of children with asthma – to think the air is safe to breathe when medical science says it is harmful.

This rider requires that 85% of counties in nonattainment as of 2014 under the current ozone standard (set in 2008) achieve full compliance before EPA can update the standard. The fact that some parts of the country are still working to reduce their ozone pollution and achieve attainment

should not be used as an excuse to ignore the well-established scientific evidence of risks to the health of millions of Americans. This approach guts Clean Air Act protections and gives polluters a free pass; it codifies science denial, and will lead to more instances when families are at risk due to misleading information about the quality of their air, more asthma attacks and more premature deaths. Updating the standard ensures that the nation follows the current science to protect American families, just as Americans expect their own doctors to do.

2. Sec 428

This dangerous provision would block EPA from limiting greenhouse gasses from existing power plants and indefinitely delay limits on greenhouse gasses from new power plants. Power plants are the nation's largest single source of carbon pollution, which leads to climate change. Warmer temperatures make unhealthy levels of ozone pollution more likely, causing asthma attacks and premature deaths. Climate change also contributes to droughts and wildfires, which can lead to more particle pollution that puts lives at risk. Cutting carbon pollution is essential to protecting human health.

3. Pg. 73, lines 1-16

This rider would declare forest biomass emissions to be carbon-neutral under certain circumstances. The American Lung Association does not support biomass combustion for electricity production, as it generates dangerous air pollution other than carbon. Congress must not ignore the negative health impacts of increased burning of biomass including asthma attacks, heart attacks, and premature death.

4. Sec. 437

This rider would force EPA to reconsider the social cost of carbon, a measurement that allows for the calculation of costs and benefits of rules that impact carbon emissions. It would also bar EPA from considering costs outside the United States. Congress needs to allow the administration to assess the full costs on human health and other impacts caused by our pollution, and the full benefits of any actions to improve energy efficiency or clean up carbon pollution.