

finally gets around to finalizing the rule that they were called to do some 14 years earlier by the Congress. And 3 years later the DC Circuit Court of Appeals knocks it down and vacates that ruling on boilers.

It was not until June of 2010—and that is a full 10 years after the congressional deadline for action—it was not until 2010 that the EPA issued a proposal for boiler air toxic rules that addressed all the major emitters.

As with most air pollution regulation these days, EPA was under court order to finalize the rule by a set date. The court had said to EPA: We want you to finalize the rule by a set date. That date was the beginning of this year, January of 2011.

During the public comment period, the EPA received thousands of comments and new information from, among others, industry. In fact, they received so much in the way of comments and new information, in December of 2010—that was a month before the date set under the court order to finalize the rule—a month before that date was to occur, EPA asked the courts, a month before the January 2011 deadline, to extend the deadline for promulgating the final air toxic standards to April of next year, to April of 2012.

The courts said: No, don't think so. They said: EPA, you have had enough time to finish. They allowed EPA only until January 21 of this year to go ahead and actually promulgate these regulations.

Even though EPA didn't have a lot of time to process the comments, EPA was able to finalize a rule in February of this year that yielded the same benefits—I think this is pretty interesting—a rule that realized the same benefits in terms of reducing toxic emissions, mercury and arsenic, lead, that kind of thing—the same level of reductions in those emissions as in the June 2010 proposal that they made, but they cut in half the cost of compliance. That is pretty impressive, isn't it? They cut in half the cost of compliance, got the same amount of reductions in emissions of these air toxic substances for half the cost. However, EPA did not stop there. Wanting to address industry's concerns, the EPA opened public comment yet again to consider a reproposal of their regulations.

I know some people think EPA has been guilty of a rush to judgment in this regard. I think if you go through the chronology objectively, this is not a rush to judgment. I hope, if nothing else, to convey tonight that the EPA has moved deliberately, some say way too slowly, in order to address this. There are others who think way too fast, still too fast.

Anyway, last month the EPA proposed the boiler MACT regulation to try to address stakeholder concerns and I think they have done a workmanlike job, a good job. In this new proposal, of the 1½ million boilers in the

United States, less than 1 percent would be affected—less than 1 percent would be affected by these emission limits.

I have a chart to show what it looks like. This is a good way to actually think of this.

The pie represents the 1.5 million boilers in the United States. Some are very small, and some are large industrial boilers. Less than 1 percent need the technology to meet the emission limits prescribed by EPA. That is the red tiny slice here. About another 13 percent of the 1.5 million boilers in the United States would need to follow best practice standards in ensuring that the emissions from those boilers are in order. And the rest—1.3 million boilers or a vast majority of boilers, a little over 85 percent—are not affected by the rules.

Not everybody likes the fact that less than 1 percent of the boilers are affected by these rules, and some of our friends in the environmental community understand that we have been very unhappy with how slowly this whole thing has proceeded.

The last thing I want to mention here—maybe two more things—in terms of moving from this point forward, how long would these less than 1 percent have to comply with the regs that have finally been promulgated? I am told the sources would have up to 4 years to comply. The EPA is still taking public comment and hopes to finalize this regulation by late spring.

The bottom line is that we have delayed long enough. Only 1 percent of our largest sources will need to clean up. The EPA has certainly tried to address many problems—maybe not all the problems but most problems—and they are still taking public comments. I am not sure we need to delay this boiler MACT any further.

There are a lot of people who sneeze during the course of their lives, as I have just done here on the floor. That was just a coincidence, but a lot of people in this country suffer because of the quality of our air. We have made great improvements in cleaning up the quality of our air. We still have too many people who suffer from asthma and other respiratory diseases. The kinds of problems and emissions we are talking about here deal less with asthma and respiratory diseases; we are talking about substances that can kill people. In the case of the substances we are talking about here, they have the ability to kill more than 8,000 people a year.

We don't have many large towns in Delaware. In Wilmington, we have about 75,000 people. In Dover—the central part of our State—we have about 30,000 people. And if you take 8,000 people, that is about as many people as live in any of the—well, Newark, where we have the University of Delaware, has about 30,000 people. But other than that, we don't have a lot of large towns. For us, 8,000 people could be the fourth or fifth largest town in my

State. That is a lot of people. At the end of the day, even if these rules are fully implemented, we are not going to save all of those 8,000 people, but a lot of those lives will be saved in the coming years, and we need to do that.

We need to let this process go forward and do our dead level best—the EPA has tried to be responsive to concerns that have been raised—to provide for a cleaner environment and not to dampen our economic recovery.

The last word I would add is that I think the idea that we have to choose one over the other is a false choice. We don't have to do that. We can have a cleaner environment and we can have jobs. If you look at the growth of our Nation's economy since 1970, when the Clean Air Act was adopted, or 1990 when the Clean Air Act amendments were adopted, we have seen dramatic growth in our budget. We have seen growth in our economy, and we have seen the quality of air become a lot cleaner over that period of time. So one does not preclude the other.

While some serious concerns have been raised about the earlier proposals by the EPA, a lot of those concerns have been addressed. I think we need to get on with it.

With that, Mr. President, I think we are going to wrap it up here around 7:30, which is in another 10 minutes or so. I am looking around, and I don't see anybody else waiting to speak, so I will note the absence of a quorum and bid you good night.

I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. CARPER. Mr. President, I ask unanimous consent that the period for morning business be extended until 8:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LIEUTENANT GENERAL PATRICIA D. HOROHO

Mr. INOUE. Mr. President, today I rise to congratulate LTG Patricia D. Horoho on becoming the U.S. Army's 43rd Surgeon General. This is a momentous time for military medicine, with two historic firsts for the U.S. Army and for the Department of Defense. On December 5, 2011, General Horoho became the first woman and the first nurse to assume command of the U.S. Army's Medical Command. Then, just 2 days later, she became the Army's 43rd Army Surgeon General, making history again by becoming the