

August 29, 2001  
Source: US-Citizens Aviation Watch Association  
Contact: Jack Saporito, (847) 506-0670  
For Immediate Release

## **Congress Leaves Americans Without Protection**

Chicago—On August 20, 2001, the United States Court of Appeals for the Second Circuit issued a decision which severely harms environmental protection for tens of millions of people living and working in and around the New York, Chicago and Washington, D.C. metropolitan areas.

In *City of New York, et al. vs. Mineta, et al.* (docket #00-4124), the court denied that the National Environmental Policy Act (NEPA) applies to exemptions to the high-density rule (HDR) at Kennedy and LaGuardia airports in New York.

The Federal Aviation Administration adopted the HDR in 1968 to limit the number of landings and take-offs in order to address congestion and delay problems. In January 2000, a new law, the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century (AIR-21 Act), became effective. This law will gradually eliminate the HDR at Chicago's O'Hare, New York's Kennedy and LaGuardia, and Washington's Reagan-National. Within weeks after AIR-21 went into effect, hundreds of applications for additional flights were submitted to the Secretary of Transportation, resulting in hundreds of daily additional flights at LaGuardia, O'Hare and possibly Kennedy and Reagan-National.

The city of New York brought suit against the Secretary of Transportation for having approved these additional flight applications without first having done the environmental review required by NEPA, among other objections.

The court reasoned that because AIR-21 states that the Secretary "shall grant" these applications, the Secretary has no discretion, and thus the NEPA's environmental process is not required. The court also concluded that when a statute imposes short, mandatory deadlines on an agency, as AIR-21 does, compliance with NEPA's environmental process is impossible.

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Because this court decision and weakened federal environmental law are contrary to the public health and welfare, it is now time to enact a federal moratorium on all expansion of U.S. airports and increases in flights. Aircraft and airport operations cause massive amounts and unusual types of serious and deadly air, water, noise and ground pollution. Many studies have shown that airport and aircraft-generated pollution are potentially lethal to people who live and work even many miles from airports. At least one airport health study (by the Los Angeles School District of the Santa Monica Airport) found that flight volumes of only about fifteen jets per day were associated with significantly increased cancer rates among residents living under the flight paths.

This moratorium must be in effect until the very serious environmental and public health problems caused by airport and aircraft operations, affecting possibly greater than 70% of our nation's population, can be assessed objectively and comprehensively, and until there is permanent, meaningful relief and adequate environmental and public health protection from this very serious problem.

US-Citizens Aviation Watch Association is petitioning the President, Congressional leaders and the Environmental Protection Agency for this moratorium and the needed environmental protection.

During this moratorium, Congress must rescind the AIR-21 Act and re-write all environmental and health laws to remove the loopholes and exemptions for the air transport industry, so that our health and environment are protected above all else from the unchecked toxic pollution currently emitted by airports and aircraft operations.

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(Editors Note: US-CAWA is a national organization representing approximately 1.5 million people in the United States. It also has members and affiliate organizations in at least twenty-seven other countries, as a nongovernmental organization. More information can be found at: [www.us-caw.org](http://www.us-caw.org))