



Department of Justice

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



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EPA Proceeds with Regional Smog Approach for Eastern U.S.

The U.S. Environmental Protection Agency today took action to ensure that over 100 million Americans in the eastern half of the United States breathe cleaner air. The action comes in the wake of an important decision last month by the U.S. Court of Appeals in the District of Columbia. That decision ruled in favor of the Clinton-Gore Administration's regional clean air approach to significantly control harmful levels of air pollution. Specifically, the Justice Department on behalf of the EPA today asked the Court to formally remove the "stay" that had been placed on the rule so that states can finalize plans to ensure emission reductions are achieved.

"Today we are taking the next step to move forward with the Clinton-Gore Administration's far-reaching approach to protect the health of over a hundred million Americans living in the eastern United States from harmful levels of air pollution," said EPA Administrator Carol M. Browner. "This action should significantly reduce air pollution from coal-fired power plants and other large industrial facilities. Not only do those emissions threaten public health in local areas, they also threaten communities hundreds of miles away because air pollution doesn't stop at state borderlines. Reducing these emissions will prevent thousands of smog-related illnesses each year, including aggravated cases of childhood asthma."

In addition to causing local air pollution problems, smog-causing nitrogen oxides, or NOx, that are emitted in "upwind" states can travel long distances, often causing harmful levels of smog in states hundreds of miles away. Smog threatens the human respiratory system, and can aggravate asthma, particularly in children, and reduces lung capacity. Smog also makes crops more susceptible to disease and pests. Reducing these emissions also helps prevent acid rain, contaminated water bodies and regional haze.

In September 1998, EPA, after working with many states, issued its regional rule, known as the "NOx SIP Call," to require states to submit plans to reduce NOx pollution, in order to protect public health in downwind states from these smog-causing emissions that cross their borders. In May 1999, as an interim measure, the U.S. Court of Appeals issued a temporary stay of the deadline for submittal of state plans to implement the rule. On March 3, 2000, the Court upheld EPA's authority to require the regional smog reduction plans. EPA today is asking the Court to formally remove the stay – the final procedural step necessary for EPA's regional smog reduction approach to move forward.

If the Court grants EPA's request, the District of Columbia and the following states will need to submit plans by this September: Alabama; Connecticut; Delaware; Illinois; Indiana; Kentucky; Massachusetts; Maryland; Michigan; North Carolina; New Jersey; New York; Ohio; Pennsylvania; Rhode Island; South Carolina; Tennessee; Virginia and West Virginia. Facilities in those states then will have to install air pollution controls by May 1, 2003. States have maximum

flexibility to decide how to achieve the required reductions. However, EPA anticipates that many states will target large coal-fired power plants that have largely been unregulated and provide the opportunity for highly cost effective pollution reduction to meet these goals.

Additionally, EPA will propose a rule this spring to target downwind smog problems caused by areas of Georgia and Missouri, an issue which the Court remanded in its decision. Those states will not need to submit plans until that rule is final. Consistent with the Court's decision, EPA also plans to adjust emission reduction targets for Alabama and Michigan.

For more information:

- a. To download a copy of the original NO_x SIP Call rule, go to http://www.epa.gov/ttn/oarpg/t1/fr_notices/nxsip.pdf
- b. To download a copy of the Court's March 3 ruling, go to the March 2000 section on <http://pacer.cadc.uscourts.gov/common/opinions/>.
- c. For more technical information, call Jeff Clarke of EPA's Office of Air Quality Planning at 919 541 5557.