

Groups Sue Obama for Scrapping Stricter Smog Limit

DINA CAPPIELLO, Associated Press

WASHINGTON (AP) — Environmental groups sued the Obama administration Tuesday for scrapping a stricter limit for smog-forming pollution, saying the decision violated the law and put politics ahead of protecting public health.

The lawsuit filed in the federal appeals court in Washington by four environmental and public health groups came after the White House last month said it would not support setting a new standard for ground-level ozone until 2013, outraging environmentalists.

Environmental Protection Agency chief Lisa Jackson had said in 2009 at the recommendation of scientific advisers that she wanted a more stringent standard to protect public health.

But President Barack Obama, facing a re-election race in 2012 and under pressure from business groups and Republicans, rejected the final proposal. The White House said setting a new standard would create "needless uncertainty" at a time when the economy was struggling.

The cost of complying was estimated at between \$19 billion and \$90 billion a year, making it one of the most expensive environmental regulations ever and earning it a spot on a list of rules targeted by House Republicans.

The Clean Air Act prohibits the EPA from considering compliance costs when setting a public health standard.

"EPA assured us repeatedly that they were going to finalize action on that proposal to strengthen the standard," said David Baron, managing attorney for Earthjustice, which sued on behalf of the American Lung Association, Environmental Defense Fund, Appalachian Mountain Club and Natural Resources Defense Council. "Then all of a sudden, the Obama administration abruptly reversed course and said they weren't going to strengthen the standards after all."

The new standard would have replaced one set in 2008 by President George W. Bush. Public health experts, the EPA's scientific advisory panel and Obama's top environmental official have said that standard fell short of fully protecting public health.

Ground-level ozone, the main ingredient in smog, triggers asthma attacks, causes lung damage and increases the risk of dying from lung disease.

Documents released last week by the EPA show that the agency wanted to change

Groups Sue Obama for Scrapping Stricter Smog Limit

Published on Chem.Info (<http://www.chem.info>)

the standard from 75 parts per billion measured over eight hours to 70 parts per billion. An advisory committee had recommended a range of 60 parts per billion to 70 parts per billion. It will now move forward with the level set by Bush, while laying the groundwork for a new standard.

The White House said the EPA's proposed regulation was based on outdated scientific evidence. It said other regulations imposed by the EPA would reduce smog in the meantime.

The administration's decision angered environmentalists to a degree unseen in Obama's presidency.

Frances Beinecke, the head of the council and a member of the president's commission on the Gulf oil spill, told the group's members that Obama had "dropped us like a hot potato."

The EPA said the administration had put in place "historic standards and safeguards for clean air," including a long-overdue proposal to cut mercury pollution from power plants.

But that rule is under attack in court as well. On Monday, 26 states sided with the utility industry and asked a federal judge to delay regulations to curb mercury and other toxic pollution from coal-fired power plants. That action followed a letter sent by 11 governors to the White House seeking a delay.

—
Online:

Lawsuit: <http://tinyurl.com/3fwwmkr> [1]

—
Follow Dina Cappiello on Twitter @dinacappiello

Source URL (retrieved on 04/18/2015 - 4:52pm):

<http://www.chem.info/news/2011/10/groups-sue-obama-scrapping-stricter-smog-limit>

Links:

[1] <http://tinyurl.com/3fwwmkr>

Groups Sue Obama for Scrapping Stricter Smog Limit

Published on Chem.Info (<http://www.chem.info>)
