

Clean Wisconsin Wins Toxic Air Pollution Lawsuit

Written by Clean Wisconsin, Katie Nekola
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Federal Court rules EPA failed to update hazardous air pollution rules.

MADISON, WI — A federal judge on Tuesday ordered the U.S. Environmental Protection Agency (EPA) to review health standards for hazardous air pollutants from 13 types of industrial sources, including tire, plywood, fiberglass, and other facilities.

Clean Wisconsin and three other environmental groups sued the EPA in 2016 for missing legally required deadlines to protect public health from toxic air pollution. To protect public health and safety, the Clean Air Act requires EPA to regularly review the health and environmental hazards faced by people who live near major industrial sources. The agency also has a duty to review the latest best available pollution control technologies. EPA is years overdue in fulfilling its legal duty to protect people from industrial sources of toxic air pollution.



“We have a fundamental right to breathe clean air, but people throughout Wisconsin are being denied that right every day because industrial facilities are releasing toxic chemicals into the air,” said Katie Nekola, general counsel for Clean Wisconsin. “We have at least 35 industrial facilities that crank out toxic air pollutants across the state.”

Clean Wisconsin, Blue Ridge Environmental Council, Sierra Club and Midwest Environmental Defense Center filed lawsuit Washington, D.C. in February 2016 on behalf of communities

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exposed to toxic emissions. The plaintiffs asked the court to ensure EPA completes rulemaking to strengthen national health protections which are especially needed to protect people in Wisconsin.

“We know air pollution kills by causing cancer and a range of other health problems. Yet major polluters have for years avoided reducing air pollution to protect public health, even though effective controls are readily available and in use in other places,” Nekola said. “That’s why we are working to ensure the Clean Air Act gives children in our communities the protection they deserve.

“As EPA begins work reviewing and updating these rules, we will ensure the agency pays attention to reducing toxic pollution.”

As a result of the Court’s decision EPA is required to review health threats and technological updates and strengthen air standards to protect protect public health and ensure no local communities are left behind as pollution reduction methods advance in some parts of the United States. EPA will have to fulfill these important Clean Air Act requirements for seven industrial sources by Dec. 31, 2018, and for the remaining six by June 30, 2020. EPA may choose the sequence in which to complete its duties for the thirteen air toxics source categories.

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On behalf of its more than 30,000 members, supporters and its coalition partners, Clean Wisconsin protects and preserves Wisconsin's clean air, water and natural heritage. (608) 251-7020, www.cleanwisconsin.org .