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NEWS FOR IMMEDIATE RELEASE

January 20, 2021

AG Kaul Joins Four Federal Multistate Lawsuits Challenging Attacks on Clean Air

MADISON, Wis. – Wisconsin Attorney General Josh Kaul today announced that the state of Wisconsin has joined four multistate lawsuits against the Trump Administration’s last-minute rule changes to critical safeguards protecting clean air.

“These last-minute rule changes before the end of the Trump administration are legally flawed and would lead to increased air pollution,” said AG Kaul. “We must stop these changes that would result in harm to air quality and people’s health.”

The four lawsuits to help protect Wisconsin’s air are listed below.

- A coalition of 28 states and municipalities, including the state of Wisconsin, filed a lawsuit challenging the Trump Administration’s final rule attempting to block future regulation of industries responsible for more than half of all greenhouse gas (GHG) emissions from stationary sources, including emissions from the oil and gas industry. Finalized just days before the Trump Administration leaves office, the rule creates a new, arbitrary threshold to determine if an industry is a significant source of GHG emissions. If the industry emits less than 3% of total U.S. GHG emissions, the EPA claims it cannot be regulated under section 111 of the Clean Air Act.
- Wisconsin joined a 17-member coalition challenging the Trump Administration’s EPA decision to keep the current national ambient air quality standards for ozone, arguing the EPA ignored substantial evidence of ozone’s harms at levels below the current standards and failed to analyze the impact of retaining these standards on high-risk populations, including low-income

and communities of color. EPA's decision to not strengthen key ozone standards violates its obligation under the Clean Air Act to adequately protect the health and welfare of the public. Smog is a serious and persistent public health problem in the U.S. The coalition further contends that EPA's process of reviewing the current smog standards was rushed and flawed, including EPA's failure to convene an ozone-specific expert panel to aid the review and disqualifying certain important experts from its scientific advisory committee—leading to a committee packed with industry-friendly members. As a result of the rule's serious procedural and substantive flaws, it fails its fundamental purpose to adequately protect public health and welfare, in violation of the Clean Air Act.

- A 19-member coalition, including Wisconsin, is suing the EPA over clean air cost-benefit rule, charging that, among other technical and legal flaws of the rule, this biased approach is contrary to EPA's core mission to protect human health and the environment, as well as to fundamental economic precepts and the legal requirement that EPA base its standards on the best available information. In particular, the rule would undercount the harmful effects of carbon emissions that lead to climate change and distort the value of co-benefits, the often-substantial benefits of a standard that addresses more than one pollutant.
- Wisconsin Attorney General Kaul, as part of a 16-member coalition, filed a lawsuit challenging the Trump Administration's final rule allowing major sources of hazardous air pollutants – such as petroleum refineries and chemical plants – to escape key federal air pollution regulations whenever they can keep their emissions below 10 tons per year. This change allows currently regulated sources to both increase their emissions up to the threshold and avoid monitoring and reporting requirements. In their lawsuit, the coalition intends to argue that the rule contravenes the Clean Air Act and is arbitrary and capricious.