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NEWS RELEASE

AG Schimel Challenges New EPA Standards in Murray Energy Corporation v. EPA

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MADISON - Wisconsin Attorney General Brad Schimel joined a coalition of States in challenging the Environmental Protection Agency's (EPA's) final 8-hour National Ambient Air Quality Standard (NAAQS) for Ozone rule. The Standard sets the limit of ozone allowed in the ambient air, and is reviewed by the EPA every five years to determine if the Standard should be lowered. States are responsible for ensuring these new standards are "achieved and maintained."

On October 26, 2015, the EPA released the new ozone Standard, lowering the limit to 70 parts per billion (ppb). Areas that cannot attain this standard are expected to take expensive steps to reduce ozone, such as installing control technology on manufacturing and energy facilities, which often discourages job-creators from locating in those areas.

States and industry brought suit. In the case, *Murray Energy Corporation v. United States Environmental Protection Agency*, the States argue the EPA violated the Clean Air Act by failing to address sources beyond the States' control, such as background ozone coming into the United States from other countries, and ozone caused by events like lightning and wildfires, which makes it impossible for some areas to meet the new Standard. Additionally, the States question whether or not the EPA used adequate scientific justification for new NAAQS.

"Wisconsin is expected to take impossible measures, like controlling the weather, under the new Ozone NAAQS," said Attorney General Schimel. "We will not tolerate another instance of the EPA's unconstitutional abuse of power as it continues to hammer job makers in our state with costly regulation."

The brief was co-authored by Wisconsin Solicitor General Misha Tseytlin and Deputy Solicitor General Luke Berg.

The States filed their brief in the United States Court of Appeals for the District of Columbia Circuit on Friday, April 22, 2016 asking the Rule be vacated. The United States Department of Justice has until July 22, 2016 to file its opposition to the States' opening brief.

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