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On April 29, the Supreme Court of the United States (SCOTUS) upheld the Environmental Protection Agency's (EPA) Cross-State Air Pollution Rule (CSAPR). The 6-2 ruling affirms EPA's requirement that 28 states reduce emissions at power plants because they negatively impact air quality in downwind states. EPA developed the rule to fulfill a Clean Air Act "good neighbor" provision that involves regulation of cross-state emissions.

CSAPR will likely affect about 1,000 power plants in the eastern U.S. that may need to adopt new pollution control measures or adjust operations. The rule aims to reduce upwind emissions of nitrogen oxide and sulfur dioxide, which have been linked with higher rates of heart attack and respiratory illness. Upwind states can substantially contribute to air pollution in downwind states; according to EPA, out-of-state activities contribute to 93 percent of the ozone pollution in New Haven, CT. The agency supports the rule, suggesting it would improve air quality in states across the U.S.

A spokeswoman for the American Coalition for Clean Coal Electricity expressed concern that the ruling encourages regulatory overreach by EPA and hurts consumers and the economy while providing few environmental gains.

In 2012, the D.C. Circuit Court struck down the rule after the utility industry and several states challenged it. Today's SCOTUS ruling overturned that decision.

Sources: E&E News, Reuters, The Wall Street Journal
