

Blue Ridge Environmental Defense League

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GROUPS FILE SUIT IN FEDERAL COURT TO REDUCE HAZARDOUS AIR POLLUTION FROM INDUSTRIAL SOURCES

Yesterday, the Blue Ridge Environmental Defense League and three other environmental organizations filed a lawsuit in US District Court to compel the US Environmental Protection Agency to update long-overdue standards for thirteen types of industries which emit hazardous air pollution.

Announcing the legal action, Louis A. Zeller, Executive Director of the League, said, "The goal of our lawsuit is to force EPA to fulfil its mandate to review and determine the risk to public health and set more stringent standards on these industries."

Zeller said that the federal Clean Air Act requires EPA to establish national limits on emissions of hazardous air pollutants. Once established, the Clean Air Act requires EPA to (1) review and revise the limits to keep them up-to-date on pollution control techniques, and (2) assess the risk of cancer and other diseases posed by plants in the industry under the existing limits and strengthen those limits if necessary to protect public health with an ample margin of safety. EPA must do a review within eight years of the time it sets an industrial standard.

However, for all the industries on the plaintiffs' list, EPA has failed to meet the deadlines; for example, for fiberglass manufacturing; printing, coating, and dyeing of textiles; rubber tire manufacturing; plywood and composite wood products; surface coating of wood building products.

Zeller concluded, "EPA is clearly in violation of the law. Citizens have the right to hold EPA accountable. Our citizen's lawsuit is designed to make EPA to do its job."

Under the Clean Air Act 42 U.S.C. § 7604(a)(2), citizens may sue EPA in federal court when the agency fails to fulfill a mandatory duty, and a court can order EPA to complete the overdue action by a date certain.

Blue Ridge Environmental Defense League's legal representative in this case is Nicholas Morales, Associate Attorney for Earthjustice in Washington, DC. The other plaintiffs bringing the lawsuit are Clean Wisconsin, Midwest Environmental Defense Center and the Sierra Club.

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