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## **Attorney General Marshall Petitions Appeals Court to Declare New EPA Rule Under Clean Air Act Unlawful**

(Montgomery) - Alabama Attorney General Steve Marshall joined a coalition of 25 states petitioning the U.S. Court of Appeals for the District of Columbia Circuit to declare the U.S. Environmental Protection Agency's (EPA) new rule unlawful. As mandated by Section 111(d) of the Clean Air Act, the new rule would make it easier for the EPA to reject state implementation plans dealing with air pollution.

"As Congress understood when it passed the Clean Air Act, air pollution should be dealt with primarily at a state and local level. But Biden's EPA will do everything in its power – and even beyond its lawful power – to make it harder for citizens to have reliable and affordable energy," stated Attorney General Marshall. "Despite the concerns our 22 states raised last year about the dangers of the Biden EPA's latest regulation, the EPA refused to listen, so once again, we will need the courts to undo the agency's unlawful actions."

Under the Clean Air Act, states must submit their plans for implementing standards of performance for existing emission sources. The new rule gives states less discretion in figuring out how these existing sources can comply and gives less time to comply. "Petitioners will show that the final rule exceeds the agency's statutory authority and otherwise is arbitrary, capricious, an abuse of discretion, and not in accordance with law," the coalition wrote in the petition filed Tuesday.

Alaska, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia and Wyoming joined the West Virginia- and Oklahoma-led petition. The Arizona Legislature and Texas Commission on Environmental Quality also joined the petition.

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