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## **AG Balderas Sues President Trump's EPA & Administrator Scott Pruitt for Stalling Action on Clean Air**

*Doña Ana County suffering from the effects of ozone pollution from El Paso, Texas and Mexico*

*Las Cruces, NM* - Attorney General Hector Balderas, part of a coalition of 16 state attorneys general, today filed a lawsuit against the federal Environmental Protection Agency (EPA) and Administrator Scott Pruitt for illegally stalling the designation of areas impacted by unhealthy levels of ground-level ozone (known as smog) – vital to protecting New Mexicans from dangerous pollution, especially in Doña Ana County where residents are suffering the effects of ozone pollution from El Paso, Texas and Mexico.

“Protecting the health of New Mexico families and seniors, our fragile economy and our beautiful natural environment is critical especially at time when President Trump continues to roll back regulations that protect New Mexico,” said Attorney General Balderas. “I filed suit against President Trump’s EPA to protect the citizens and economy of Doña Ana County and all of New Mexico.”

According to the American Lung Association, over 115 million Americans breathe harmful levels of ozone, which often travels far distances from other states with less stringent clean air regulations. The designations, which EPA Administrator Scott Pruitt recently delayed for one year, play a key role under the Clean Air Act in addressing smog’s serious threat to public health, triggering requirements for state-specific plans and deadlines to reduce pollution in the designated areas.

The coalition of attorneys general is challenging EPA Administrator Scott Pruitt’s one-year delay in designating areas with unhealthy levels of smog as violating the requirements of the Clean Air Act, and as arbitrary and capricious.

In October 2015, the EPA revised the national air quality standards for smog, strengthening those standards. The Clean Air Act requires the Agency, within two years after issuance of new or revised standards, to designate areas of the county that are in “attainment” or “non-attainment” with these public health and welfare standards. In the case of the 2015 smog standards, EPA was required to issue attainment or non-attainment designations by October 1, 2017. However, on June 28, 2017, EPA Administrator Pruitt published a notice stalling the deadline for the smog designations for all areas in the country for one year – to October 1, 2018.

Given that New Mexico’s proposed non-attainment areas are a net recipient of ozone pollution from outside the state, including Texas, increased stringency of controls in Texas would greatly benefit the citizens, economy and environment of Doña Ana County and New Mexico.

The designation of areas for national air quality standards is a key statutory obligation under the Clean Air Act – and for protecting the public’s health. For areas designated as in non-attainment for the standards, states must adopt “implementation plans” – a collection of actions that the state will undertake to reduce pollution in order to ensure standards will be met in those areas. The deadlines for submitting implementation plans – and for ensuring that air quality standards are met within designated areas – are both directly keyed to the date of EPA designations.

According to EPA, the 2015 updated smog standards will improve public health protection – particularly for at-risk groups, including children, older adults, people of all ages who have lung diseases such as asthma, and people who are active outdoors, especially outdoor workers. In fact, the Agency conservatively estimated that meeting the new smog standards would result in net annual public health benefits of up to \$4.5 billion starting in 2025 (not including California), while also preventing approximately:

- 316 to 660 premature deaths;
- 230,000 asthma attacks in children;
- 160,000 missed school days;
- 28,000 missed work days;
- 630 asthma-related emergency room visits; and
- 340 cases of acute bronchitis in children.

Smog forms when nitrogen oxides, volatile organic compounds, and carbon monoxide emitted from power plants, motor vehicles, factories, refineries, and other sources react under suitable conditions. Because these reactions occur in the atmosphere, smog can form far from where its precursor gases are emitted and, once formed, smog can travel far distances. That is why, despite enacting stringent in-state controls on sources of these pollutants, many states – including New Mexico – are not, alone, able to meet federal health-based air quality standards for smog.

Today's suit was filed by the attorneys general of New Mexico, California, Connecticut, Delaware, Illinois, Iowa, Maine, Massachusetts, Minnesota, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington, and the District of Columbia. [Click here to read the lawsuit.](#)

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