



PRESS RELEASE

Attorney General Frosh Files Suit Against EPA *Complaint Alleges EPA Failed to Require States to Implement Pollution Controls*

BALTIMORE, MD (September 27, 2017) – Maryland Attorney General Brian E. Frosh today filed a [complaint](#) in the United States District Court for the District of Maryland against the Environmental Protection Agency (EPA) and Administrator Scott Pruitt for failing to act on a petition requiring power plants in five upwind states to implement air pollution controls.

“Emissions from power plants in surrounding states pollute Maryland’s air and violate the law,” said Attorney General Frosh. “My office has filed suit because the EPA and Administrator Pruitt have failed to stop these violations, ignoring our request to require those power plants to comply with the Clean Air Act. This federal law is supposed to protect everyone against the harm of breathing polluted air, so the federal government must ensure that power plants everywhere be held accountable.”

The petition filed last November under Section 126 of the Clean Air Act, requested the EPA to issue a finding that power plants located in Indiana, Kentucky, Ohio, Pennsylvania and West Virginia are in violation of the “good neighbor provision” of the Clean Air Act. The petition alleged that nitrogen oxides emitted by these power plants impede Maryland’s efforts to attain and maintain federal health-based air quality standards. Rather than acting on the petition, the EPA issued a six-month extension to the original 60-day deadline to respond. That extended deadline has now expired without action by the EPA.

The complaint filed today cites research that 36 power plants in the five neighboring states emit pollution that contributes to poor air quality in Maryland and alleges that the power plants have failed to operate necessary pollution controls that would reduce pollution flowing into Maryland.

In just the last six months, Attorney General Frosh has taken several actions against the Trump Administration to protect the health of Maryland citizens and the Chesapeake Bay.

- Intervened in a lawsuit against EPA over its failure to issue a safety finding regarding the toxic pesticide chlorpyrifos.
- Filed notice of intent to sue the EPA for ignoring its mandatory legal duty under the Clean Air Act to control emissions of methane from existing oil and gas operations.
- Intervened in a lawsuit seeking to immediately stop the EPA’s unlawful administrative stay of a rule that would prevent emissions of thousands of tons of the potent greenhouse

gas methane, and hazardous air pollutants including benzene and formaldehyde from facilities constructed after September 2015.

- Sent letter to National Marine Fisheries Service opposing first step in plan to permit offshore drilling off Atlantic coast.
- Urged Congress to reject the rollback of critical protective ozone air quality standards. In letters sent to the chairmen and ranking members of the Senate Committee on Environment and Public Works and the House Committee on Energy and Commerce, Attorney General Frosh detailed opposition to proposed legislation that would substantially delay the ozone standards promulgated by the Environmental Protection Agency in 2015 – marking a major step backwards in efforts to combat pollution and its negative impact on public health.