Louisiana Community Air Monitoring Reliability Act: Environmental Organizations File Challenge in United States District Court (Louisiana)



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The Environmental Integrity Project and Public Citizen Litigation Group (collectively, "EIP") filed a Complaint for Declaratory and Injunctive Relief ("Complaint") in the United States District Court for the Middle District of Louisiana on May 22nd on behalf of a number of organizations challenging the Louisiana Community Air Monitoring Reliability Act ("Act").

The Act was passed in 2024 in the Louisiana State Legislature and its sponsor described its purpose as to:

…establish state standards for community air programs operated by non-governmental entities to ensure that the data collectors from such programs provides the public with access to accurate air quality information.

The legislation applies to:

…non-governmental entities that have received public funds for purposes of developing, deploying, operating, supporting, or maintaining community air monitoring programs as well as such entities using private funds for such purposes.

The use of certain monitoring data is prohibited in listed circumstances.

EIP's Complaint states that community air monitoring refers to programs organized by groups of local residents to monitor air quality in their local communities using modern, low-cost, air sensor technologies. They further argue that such programs help detect pollution levels in areas of the country not well served by traditional and costly air monitoring systems.

The Act is argued to prohibit community groups from:

- Choosing for themselves how they will collect, use, or disseminate information or analyses about air quality to the public.
- Sharing with regulators information that does not satisfy the Act's standards.
- Cannot rely on such information to bring suits under the citizen suit provisions of the Clean Air Act or to bring other claims against polluters.

Violation of the legislation's restrictions can trigger civil penalties.

Arguments raised by EIP in challenging the Act include violation of the First and Fourteenth Amendments to the U.S. Constitution (i.e., silencing private speech and imposing restrictions on the right to petition).

The Act was also argued to conflict with federal law because the Clean Air Act and federal funding laws are stated to promote greater use of air monitoring in underserved local communities. The Act is alleged to frustrate such federal objectives by effectively barring deployment of modern, low-cost air sensor technology by community groups and by making it unlawful for groups to use the data and analysis obtained from air sensors to enforce federal requirements.

A copy of the Complaint can be downloaded here.