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From: POLITICO Pro Energy Whiteboard
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Subject: Blue states can help defend 2015 ozone rule, court says

By Alex Guillén

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The D.C. Circuit Court of Appeals today said Democratic state officials will be allowed to defend EPA's 2015 ozone standard in lawsuits challenging the rule, which the Trump administration has begun rolling back.

Six states and the District of Columbia previously had filed a "friend of the court" brief supporting the rule, but last month they asked to be upgraded to intervenor status, which will allow them to actively defend the rule and seek appeals if the Trump EPA does not. EPA Administrator Scott Pruitt has suspended initial implementation deadlines for the ozone rule while he considers rewriting the Obama-era standard.

Both the Trump administration and the industry groups and states challenging the rule opposed upgrading the blue states, saying it was too late in the process. The states replied that they were prompted to step up by EPA's recent suggestions "that it is sympathetic to arguments that had been raised by" the challengers that the Obama EPA had previously rejected.

The states involved are California, New York, Vermont, Washington, Massachusetts and Delaware, along with D.C.

Various environmental and public health groups were previously granted intervenor status to defend the ozone standard.

WHAT'S NEXT: The ozone lawsuit currently is on hold while EPA reconsiders the 2015 standard. Many of the same states on Tuesday sued EPA over Pruitt's delay in implementing the rule.

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