

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** POLITICO Pro Energy Whiteboard  
**Sent:** Mon 12/4/2017 8:06:05 PM  
**Subject:** Greens sue EPA over missed ozone designation deadline

By Alex Guillén

12/04/2017 03:04 PM EDT

Ten environmental and public health groups today sued EPA for missing a key deadline to implement the 2015 ozone standard.

EPA faced a statutory deadline on Oct. 1 to say which parts of the U.S. were meeting the new ozone standard. Administrator Scott Pruitt said over the summer that he would delay that decision by one year, although he reversed course after several lawsuits were filed. EPA last month issued designations for 85 percent of all U.S. counties which it said met the standard or did not have enough information to decide.

But the agency has remained silent on the remaining 15 percent of the nation, which includes many of the urban and downwind regions that face the worst smog pollution. Any area deemed in "nonattainment" will have to write a plan to reduce ozone-related pollution, and EPA's delay also puts off any requirement for those areas to act.

A coalition of Democratic attorneys general is also expected to sue EPA soon.

EPA has faced similar lawsuits after delaying designations under previous standards — such as the 2010 sulfur dioxide rule, for which environmental groups negotiated a consent decree with the Obama administration that set a series of designation deadlines lasting through 2020.

It's unclear whether a similar deal can be reached here. Pruitt recently issued a directive barring EPA from agreeing to such consent decrees. If EPA resists negotiations, the court may set its own timeline for the agency to act.

**WHAT'S NEXT:** The environmentalists' suit was filed in the U.S. District Court for Northern California. EPA has not indicated when it may act on the remaining designations.

*To view online:*

<https://www.politicopro.com/energy/whiteboard/2017/12/greens-sue-epa-over-missed-ozone-designation-deadline-192682>

Was this Pro content helpful? Tell us what you think in one click.				
<u>Yes, very</u>	<u>Somewhat</u>	<u>Neutral</u>	<u>Not really</u>	<u>Not at all</u>

You received this POLITICO Pro content because your customized settings include:  
**Energy: EPA. To change your alert settings, please go to**  
<https://www.politicopro.com/settings>

---

---

This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd.  
Arlington, VA, 22209, USA

---