

---

**ATTORNEY GENERAL PEG LAUTENSCHLAGER ANNOUNCES STATES SUE EPA FOR VIOLATING CLEAN AIR ACT AND REFUSAL TO TAKE ACTION ON GLOBAL WARMING**

---

FOR IMMEDIATE RELEASE:  
April 27, 2006

---

MADISON — Attorney General Peg Lautenschlager announced State Attorneys General today sued the federal Environmental Protection Agency (EPA) for failing to adopt strong emission standards to better regulate the release of air pollution from new power plants across the nation. The District of Columbia and the City of New York also joined in the legal action.

The Clean Air Act requires that the EPA review and revise emission standards applicable to new pollution sources every eight years to ensure that they protect public health and the environment. On February 27, 2006, EPA issued revised regulations in accordance with a court order. However, the revised standards completely fail to regulate power plant emissions of carbon dioxide, a major contributor to global warming. In addition, the revised standards for other air pollutants that are harmful to public health are unacceptably lax.

Lautenschlager said, "Standing up for the protection of Wisconsin's clean air and natural environment is a critical responsibility -- and yet once again the federal EPA is failing to carry out the Clean Air Act. No less than our children's health and the fate of the planet are at stake -- so I am proud the states are taking action to ensure that EPA does its job."

EPA's rulemaking in this matter is inadequate in two fundamental ways:

First, EPA refused to regulate carbon dioxide, despite overwhelming research and scientific consensus that carbon dioxide contributes to global warming and thus harms "public health and welfare." EPA's claim that it does not have the authority to regulate carbon dioxide emissions is contrary to the plain language of the Clean Air Act.

Second, EPA failed to set adequate standards for sulfur dioxide and nitrogen oxides, power plant pollutants that contribute to soot, smog, acid rain and higher levels of respiratory disease. The law requires that the emission standards be set at levels that can be achieved by use of the best demonstrated technology, but EPA is setting weak standards that can be met by the use of less effective technologies.

A draft report of many of the world's leading scientists made public last week expresses the scientific consensus that increasing global temperatures will have dramatic effects in the United States, including rising sea levels, worsened air quality, water shortages and droughts, and increased incidence and intensity of hurricanes and other catastrophic storms. Power plants are one of the largest sources of carbon dioxide emissions that are responsible for the increasing temperatures worldwide. Current projections are that dozens or even hundreds of new coal-fired plants will be built in the United States over the next 25 years, without any requirement to control or reduce carbon dioxide emissions.

At the same time, several of the states announced that they will file a friend-of-the-court brief in another case where EPA is preventing states from asking applicants for air pollution permits to analyze low-carbon alternative technologies for their operations. The effect of EPA's decision is to override traditional state primacy in determining specific permit limits and mandate that the states use a weaker federal standard.

Today's lawsuit was filed in federal appeals court for the District of Columbia Circuit. The case is being handled by New York Assistant Attorney General Jared Snyder and Environmental Protection Bureau Chief Peter Lehner.

Today's action is supported by the following:

- NEW YORK ATTORNEY GENERAL ELIOT SPITZER
- CALIFORNIA ATTORNEY GENERAL BILL LOCKYER
- CONNECTICUT ATTORNEY GENERAL RICHARD BLUMENTHAL
- DISTRICT OF COLUMBIA ATTORNEY GENERAL ROBERT SPAGNOLETTI
- MAINE ATTORNEY GENERAL G. STEVEN ROWE
- MASSACHUSETTS ATTORNEY GENERAL TOM REILLY
- NEW JERSEY ATTORNEY GENERAL ZULIMA V. FARBER
- NEW YORK CITY CORPORATION COUNSEL MICHAEL A. CARDOZO
- NEW MEXICO ATTORNEY GENERAL PATRICIA A. MADRID
- OREGON ATTORNEY GENERAL HARDY MYERS
- RHODE ISLAND ATTORNEY GENERAL PATRICK LYNCH

- VERMONT ATTORNEY GENERAL WILLIAM H. SORRELL
- WISCONSIN ATTORNEY GENERAL PEG LAUTENSCHLAGER