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### **OTC States Applaud Court's Remand, Urge EPA to Quickly Craft More Protective Program**

[December 23, 2008] The Ozone Transport Commission (OTC) applauds today's decision by the U. S. Court of Appeals for the D.C. Circuit to remand the Clean Air Interstate Rule (CAIR) to the U.S. EPA without vacatur. This action will help to protect the public health from harmful power plant emissions while EPA revises the rule to address the many issues raised by the Court in its July 11, 2008 opinion. One critical issue for the OTC states is the failure of CAIR to adequately address significant amounts of emissions from upwind power plants that contribute to air pollution in downwind states.

"While CAIR is a good first step, greater reductions are needed in the transported pollution that causes acid rain and contributes to high levels of asthma in our communities," said Jared Snyder, Assistant Commissioner of New York Department of Environmental Conservation and Chair of the OTC. "We are glad that the court realized the importance of keeping the CAIR reductions in place while we work with the Obama Administration to craft a rule that truly protects public health and the environment."

Power plants are some of the largest sources of nitrogen oxide and sulfur dioxide pollution in the U.S., and more than seventy percent of the fleet is between 27 and 57 years old. Approximately 80% of these EGUs do not operate state-of-the-art controls to reduce nitrogen oxide emissions, a precursor to the formation of both ozone and particle pollution. Furthermore, a number of efficient and cost-effective modern technologies exist for significantly reducing power plant emissions.

"Prompt action by EPA is needed to develop a national program that is consistent with the Court's July 2008 ruling and strengthens and goes beyond the air quality protection CAIR provides," stated Anna Garcia, Executive Director of OTC. "This is especially true in light of the recently strengthened ozone and PM 2.5 standards."

The Ozone Transport Commission was established under the Clean Air Act Amendments of 1990 to address the transport of ground-level ozone and its precursors, oxides of nitrogen (NOx) and volatile organic compounds (VOCs) into and through the region. OTC member jurisdictions are: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and Virginia.