



PRESS RELEASE

**Attorney General Frosh Joins Coalition to Defend EPA Rule
Protecting States From Upwind Smog Pollution**
*Six Attorneys General File Motion to Defend EPA's Cross-State Air Pollution
Update Rule Against Challenge by Fossil Fuel Industry and Upwind States in
the South and West;*
*Effort is a Critical Safeguard Against Any Attempts to Undermine Federal
Environmental Protections and States' Responsibility to Prevent Air Pollution
from Spreading to Their Neighbors*

BALTIMORE, MD (January 19, 2017) – Maryland Attorney General Brian E. Frosh joined a coalition of five other states in filing a [motion](#) today in D.C. District Court seeking to intervene in support of the Environmental Protection Agency's Cross-State Air Pollution Update Rule, which requires power plants in 22 states to significantly reduce smog pollution that blows into downwind states and threatens public health.

Maryland joined Massachusetts, New Hampshire, New York, Rhode Island, and Vermont in the motion to defend the EPA measure, which has been challenged by 14 energy corporations and upwind states seeking to overturn the rule.

“Pollution blowing in from other states threatens the health of millions of Americans, particularly seniors and children,” said Attorney General Frosh. “Over the last several years, Maryland has made efforts to implement effective air quality programs, but we have no control over dirty air that pours in from other states. As Attorneys General, it is our responsibility to protect our residents from attempts to roll back federal environmental protections, including those that protect states from out-of-state polluters.”

The importance of the rule, and the coalition's defense of it, is underscored by the nomination of Oklahoma Attorney General G. Scott Pruitt as Administrator of the EPA. As stated in a January 17, 2017 [letter to the U.S. Senate](#) signed by Attorney General Frosh and eight state attorneys general, Pruitt has “sought to tear apart the very notion of cooperative federalism that forms the foundation of our federal environmental laws.” Cooperative federalism – where national, state, and local governments act collectively to solve common problems – is critical to avoiding a situation where states with inadequate pollution control measures pass this pollution and its public health and environmental impacts to neighboring states.

The federal Clean Air Act confers dual responsibility on the EPA and the states to improve and maintain air quality both in-state and in downwind states. When states' efforts to address interstate air pollution are inadequate, the Act specifically requires EPA to address the interstate transport of air pollution.

The Cross-State Air Pollution Update Rule requires power plants in 22 states to participate in a regional allowance trading program beginning in May 2017 that will reduce emissions of nitrous oxide (which contributes to the formation of ground-level ozone, or “smog”) in time to assist downwind states with meeting the national ozone standards established by EPA in 2008.