



PRESS RELEASE

Coalition of Attorneys General Demand EPA Withdraw Proposal to Delay Implementation of Landfill Methane Regulations

BALTIMORE, MD (January 4, 2019) – Maryland Attorney General Brian E. Frosh today filed a [comment letter](#) demanding that the U.S. Environmental Protection Agency (EPA) withdraw its proposed rule delaying—by four years—implementation of a critical regulation that would reduce emissions from landfills.

Landfills are the third-largest source of methane emissions—a pollutant with a global warming potential that is 84 times more potent than carbon dioxide over a 20-year timeframe. The regulation, once implemented, would prevent emissions equal to 7.1 million metric tons of carbon dioxide per year, which translates to 1.5 million passenger vehicles driven for one year or 850,000 homes’ electricity use for one year. In addition to harmful methane, landfills emit volatile organic compounds, hazardous air pollutants, and other greenhouse gases such as carbon dioxide. Not only do these pollutants contribute to climate change, they can cause cancer, asthma, and other respiratory diseases, especially among children and older adults.

“Federal law requires that an agency implement a rule even if it is considering changing that rule,” said Attorney General Frosh. “The EPA justifies its inaction by saying that methane emissions don’t ‘have any impact on human health or the environment.’ This claim conflicts with a wide body of scientific evidence that demonstrates the pressing need to reduce these emissions immediately.”

In the letter, the Attorneys General argue the EPA’s proposal:

- Violates the EPA’s responsibility under the Clean Air Act to swiftly and aggressively reduce emissions of harmful air pollutants endangering public health and the environment;
- Fails to justify adding four years to the timeline to implement the rule and for the inconsistencies of the proposal with its prior factual findings; and
- Provides no analysis of the purported benefits and costs of the rule.

In May 2018, a lawsuit was filed against the EPA for its failure to implement and enforce the regulation, known formally as the 2016 Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. The regulation went into effect on October 28, 2016, but the EPA has not complied with its mandatory duties to implement it.

In a recent ruling rejecting EPA’s effort to dismiss the case, the court found Congress’s intent to hold EPA accountable for complying with the regulatory implementation deadlines “readily discernible.” But instead of complying with those deadlines, and with no legal basis for doing so, EPA has used one unlawful tactic after another to delay implementation and enforcement of the regulation while working to revise the regulation, a process that EPA says will be completed by spring 2019.

In addition to Maryland, the comments were signed by the Attorneys General of California, Illinois, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, and Vermont, and by the California Air Resources Board.