

**January 19, 2021**

**ATTORNEY GENERAL RAOUL CHALLENGES FEDERAL RULE RELAXING RESTRICTIONS ON EMISSIONS FROM SUPER POLLUTERS**

**Chicago** — Attorney General Kwame Raoul today joined a multistate coalition in filing a lawsuit challenging the federal government’s final rule allowing major sources of toxic air pollutants – such as petroleum refineries and chemical plants – to escape key federal air pollution regulations whenever they can keep their emissions below 10 tons per year. This change allows currently regulated sources to both increase their emissions up to the threshold and avoid monitoring and reporting requirements.

“Any rule that could allow for an increase in emissions from super polluters is dangerous, irresponsible and cannot stand,” Raoul said. “The EPA is once again putting polluters ahead of the environment and public safety by rolling back a rule that will increase health risks and reduce the quality of life for those living in areas already exposed to disproportionate levels of pollution. I am committed to ensuring that the EPA does its job of protecting residents and our environment by establishing rules that reduce emissions of toxic air pollutants.”

The final rule formally replaces the Environmental Protection Agency’s (EPA) longstanding “[Once In, Always In](#)” policy. Since 1995, that policy had required major sources of toxic air pollutants to permanently take action to reduce their emissions. Major sources are those that emit or have the potential to emit 10 tons per year or more of any single toxic air pollutant, or 25 tons per year or more of any combination of toxic air pollutants. Major sources are subject to emissions limits that require the maximum reductions achievable, often well below these threshold levels. Even the smallest increase in toxic air pollutants can have substantial impacts on public health because of the acute toxicity of many of these compounds and the proximity of major sources to vulnerable communities.

The EPA repealed the “Once In, Always In” policy in a 2018 guidance memo, allowing sources to evade emissions limits that would reduce emissions below the policy’s thresholds, as well as allowing sources to avoid monitoring and public notice requirements. The final rule codifies that action, and excuses even more sources from “major” status.

In the lawsuit, the coalition argues that the final rule:

- Contravenes the Clean Air Act’s core requirements that the EPA ensure major sources reduce toxic air emissions by the maximum level achievable.
- Is arbitrary and capricious because the EPA failed to consider the potential increases in emissions resulting from the rule.

Joining Raoul in this lawsuit are the attorneys general of California, Delaware, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Virginia, Washington and Wisconsin, as well as the cities of Chicago and New York.