



**For Immediate Release**  
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## **MADIGAN APPLAUDS COURT RULING THAT STRIKES EPA MERCURY RULES**

Chicago - Attorney General Lisa Madigan today said a federal appeals court decision striking down two U.S. Environmental Protection Agency (EPA) rules that would have relaxed the standard for mercury emissions is a tremendous victory for clean air all across the country.

Illinois joined 16 other states in petitioning the U.S. Court of Appeals for the District of Columbia asking that they review and overturn two rules regarding the emission of mercury, a hazardous air pollutant from coal-fire power stations. The first rule reversed a prior decision which added coal- and oil-fired power plants to the list of sources whose emissions are regulated as a hazardous air pollutant under the federal Clean Air Act. The second rule set less stringent performance standards for new coal-fired power plants and established total mercury emissions limits for the states, along with a voluntary cap-and-trade program for new and older power plants.

“Today’s decision establishes what we already knew – the USEPA acted illegally when it gutted the federal mercury rules,” said Attorney General Madigan. “The Clean Air Act requires that hazardous air pollutants be regulated to protect our environment and public health. Particularly vulnerable are nursing mothers, pregnant women, the young and the elderly. By reversing the USEPA’s policy, power plants will be required to reduce their level of mercury emissions. This is a very good development, not only for the quality of the air we breathe, but also for the health of our water system.”

“In 2000, the EPA found that it was “appropriate and necessary” to regulate mercury emissions from coal-fired power stations and set emission limits for all power plants. In 2005, however, the Bush Administration directed the EPA to establish the Clean Air Mercury Rule (CAMR) and the EPA subsequently reversed the appropriate and necessary finding and installed what is called a “cap-and-trade” program in an attempt to limit mercury emissions. The cap-and-trade concept allows differing levels of mercury emissions at different power plants nationwide. In effect, allowing one power station to trade credits with another power station.

The Court today ruled that the EPA did not make the necessary findings to reverse its former appropriate and necessary stance and replace it with the much weaker cap-and-trade concept.

The Court found that cap-and-trade limits are illegal because the EPA was required to set stringent mercury emission limits for all power plants under the

## Clean Air Act.

Mercury is a particular concern in Illinois. Illinois already has a statewide mercury advisory in place that warns against eating Illinois fish due to contamination from airborne mercury contamination.

Madigan also recently joined with her colleagues nationwide on other cases to force environmental action by the federal government:

- Last month, Madigan joined 14 other states in filing a Motion to Intervene in California's Petition for Review of EPA's refusal to grant California's request for a waiver so that it could enact tougher pollution standards for car emissions than those of the federal government.
- In November 2007, Madigan and 11 other attorneys general filed suit against the EPA seeking a reversal of new regulations that, among other things, would allow thousands of companies to avoid disclosing to the public the toxic chemicals they use, store and release into the environment.

Today's ruling follows arguments that were held before the appeals court in December 2007. Senior Assistant Attorney General Gerald Karr is handling the case for Madigan's Environmental Bureau.

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[Return to February 2008 Press Releases](#)