



February 27, 2018

MADIGAN OPPOSES U.S. EPA "ADVANCE NOTICE" OF RULE TO POSSIBLY REPLACE CLEAN POWER PLAN

Chicago — Attorney General Lisa Madigan today announced she joined a coalition of 25 states, counties and cities in filing comments opposing the U.S. Environmental Protection Agency's Advance Notice of Proposed Rulemaking on a potential replacement to the Clean Power Plan.

"The U.S. EPA is once again putting polluters ahead of the environment," Madigan said. "The Clean Power Plan is critical to reducing our country's largest source of carbon pollution, and it should be implemented immediately to combat the dangerous effects of climate change."

The coalition's [comments](#) explain that EPA's narrow view of its authority under the Clean Air Act, as set forth in the Advance Notice of Proposed Rulemaking, is contrary to the law and common sense. The letter cites a recent study finding that the replacement rule envisioned in the Advance Notice would not only do less than the Clean Power Plan to reduce emissions, but also could result in greater air pollution than having no rule at all.

In addition to Illinois, the coalition submitting today's comments includes California, Connecticut, the District of Columbia, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota (by its Minnesota Pollution Control Agency), New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and the cities of Boulder, Chicago, New York, Philadelphia, and South Miami, as well as Broward County, Fla.

In December 2017, the federal government issued the Advance Notice of Proposed Rulemaking on a "potential" replacement to the Clean Power Plan. The Clean Power Plan is the culmination of more than a decade-long effort by states and cities to require mandatory cuts in the emissions of pollution from fossil fuel burning power plants under the Clean Air Act.

Attorney General Madigan is also part of a coalition that has intervened to defend the Clean Power Plan against legal challenge.

Fifteen years ago, in February 2003, Madigan and other states sent a notice of intent to sue EPA for failing to review, and as necessary, revise emission standards for pollutants from fossil fuel-fired power plants under section 111 of the Clean Air Act. Madigan and the states then sued EPA in the D.C. Circuit after the agency failed to establish emission standards for carbon dioxide from fossil-fueled power plants. That lawsuit resulted in a settlement that was finalized in 2011, in which EPA committed to undertake rulemaking to address carbon dioxide from power plants.

In November 2015, Madigan and a coalition of states, cities and counties intervened in defense of the Clean Power Plan against legal challenge in the D.C. Circuit Court of Appeals.

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