



NEWS RELEASE

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Our Children's Earth Foundation
Contact: Charlene Schachter, OCE 415.896.5289
Chris Sproul, Environmental Advocates 415.533.3376

ENVIRONMENTAL GROUPS APPEAL COURT'S DECISION: SAY U.S. EPA SHOULD REVIEW AND REVISE WATER STANDARDS

San Francisco, CA— Two environmental groups appealed a court ruling which allows the U.S. Environmental Protection Agency (EPA) and its administrator Mike Leavitt to continue to avoid updating Clean Water Act (CWA) controls on industrial wastewater discharges.

The groups, Our Children's Earth Foundation and Ecological Rights Foundation, appealed a May ruling from a U.S. District Court in San Francisco to the U.S. Court of Appeals for the Ninth Circuit. The groups allege in the appeal that the court should require the EPA to review CWA regulations that establish a national minimum floor of pollution control based on currently available technology.

These "effluent guideline" regulations set uniform standards for 56 categories of industry that discharge water pollutants, and Congress required EPA to review these effluent guidelines annually to ensure that they are kept up-to-date with changes in available treatment technologies. EPA failed to complete the required review of effluent guidelines for a single category of industry last year.

"The District Court clearly erred when it ruled that it didn't have jurisdiction to hear some of these issues," said Tiffany Schauer, executive director of Our Children's Earth. "The court also erred when it ruled, in part, that the EPA has done its job. This ruling is allowing the EPA to continue to shirk its responsibility to require industry to install the latest pollution control technologies and the quality of our water is going to decline as a result."

The CWA also requires the EPA to identify new categories of industry that should be added to effluent guidelines regulations every year. The Bush Administration, continuing its lax enforcement of the environmental laws, has failed to identify many new categories of industry to regulate, even though comments from environmental groups formally submitted to EPA identified at least 13 potential new categories and EPA internal documents have also acknowledged that there are many such potential new categories that are currently unregulated.

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