



Our Children's Earth Foundation | 100 First Street, Suite 100-367, San Francisco, CA 94105

NEWS RELEASE

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EPA TO POST STATES' AIR PLANS ON THE WEB

via ARGUS AIR DAILY -- EPA will now have to post summaries of state implementation plans as well as the individual rules under those plans on the Internet.

Under a consent decree reached April 17 between EPA and Our Children's Earth (OCE), EPA must place the text of each state implementation plan (SIP) rule online, including the title of the rule, the federal register citation of EPA's approval, and any other applicable local or state rule number and citation. OCE is a San Francisco-based nonprofit focusing on air quality issues.

This is a "very positive step" said Frank O'Donnell, executive director of the Clean Air Trust, as it enhances the public's right to know what obligations exist for sources subject to SIPs.

Summaries of each SIP must also be available online, or published in the Code of Federal Regulations, and must include a Federal Register citation, approval date, and the rules approved under the SIP.

SIPs, which are currently available in hard copy at each EPA office, are a "morass of documents," according to Tiffany Schauer, OCE's executive director, complicating oversight and enforcement roles of public interest groups. OCE wanted the SIPs "readily accessible and published on the Web."

In addition to making SIP rules more accessible, the hope is that in the process of posting them on the Web, EPA will clean things up - for example, clarifying which rules have been superseded- and prompt more public interest groups to become involved in air quality enforcement, Schauer added.

The agreement covers all EPA regions except for Region IX, which oversees California, Arizona, Nevada, Hawaii, Pacific Islands (subject to US law), and roughly 140 tribal nations. OCE concluded a similar agreement with Region IX in September 2001.

An EPA source would not specify EPA's precise motivations for settling, but noted that it was "a good deal," preferable to litigation. EPA had not done this before, according to Schauer, because they had no reason to. "Sometimes it takes litigation to fill a mandate," she added.

EPA agreed to Web publication of SIP rules because they "realized the upside," according to Helen Kang of the Golden Gate University Environmental Law and Justice Clinic, which represented OCE in the lawsuit. It makes enforcement of SIPs easier for EPA and the Department of Justice officials too, Kang added, since they, like everyone else, had to get hard copies of the SIPs.

SIPs are put together by states and local air districts and describe how they will reduce emissions to come into compliance with the Clean Air Act. Each SIP is comprised of many rules, which lay out emissions requirements. But a SIP will have many other elements; for example, it may call for a study of transportation patterns or other emissions-related issues.

The EPA source also noted that by having information more readily available, entities subject to SIP rules will have fewer excuses for not following them.

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