



Cross-State Air Pollution Rule Stayed by Federal Court

Last Friday the U.S. Court of Appeals for the D.C. Circuit ordered that the EPA's cross-state air pollution rule be stayed (in other words, that the rule not take effect on January 1, 2012). In supporting the State of Texas' motion, the court indicated that it wants to hear oral arguments in the case in April, 2012 before deciding the legal merits. The decision does not invalidate the CSAP rule, but rather delays its implementation until the court issues a final ruling sometime after oral arguments are heard.

While efforts to turn back the CSAP rule continue in Congress, with a number of bills introduced to delay or undo the rule, no one expects those efforts to be successful this year: It's no secret that Congress remains divided over even the most mundane issues and a veto by the President awaits any legislation that would undo the CASP rule.

QUESTIONS OR COMMENTS:

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