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Texas loses air pollution fight in Supreme Court

By: **Karina Kling** Updated 6:27 AM

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Texas is one of more than 24 states that will now have to reduce some of its emissions that contribute to air pollution across state lines.

The Supreme Court made the 6-to-2 decision Tuesday to uphold the Environmental Protection Agency's Cross-State Pollution rule.

Environmental groups praised the justices' ruling.

"We're thrilled with the decision," Luke Metzger with Environment Texas said. "This is a huge victory for clean air, the biggest one we've had in a number of years."

Metzger has been working on this issue for years and says the decision will mean a healthier state. He reiterated the EPA's estimates that the pollution reduction from power plants will result in more than 3,400 lives being saved nationally each year, 1,700 of which are in Texas alone.

"That's a significant reduction in pollution as well as fewer asthma attacks and fewer hospitalizations as a result of air pollution, which continues to be a major public health crisis for Texas and the country," he said.

The EPA adopted the Cross-State Pollution Rule in 2011, but a number of states, including Texas, plus industry and labor groups sued to block the rule from taking effect.

They argued cost-effectiveness was unfair and they didn't have enough time to comply with new regulations.

A federal appeals court agreed with them in 2012, so Tuesday's ruling came as a shock to some.

Kathleen White with the Texas Public Policy Foundation says the EPA now has even more federal overreach in what she says is better decided by the states.

"There's incredible variation in the natural dynamics of an environmental problem," she said. "The state is better equipped to get the job done quicker and at less expense."

White says since coal-fired power plants make up 40 percent of the state's power, the Texas economy could suffer, but the EPA has said the health benefits will outweigh the cost of compliance.

The Texas Commission on Environmental Quality also issued a statement Tuesday saying it's disappointed with the decision, but encouraged that the Court clearly acknowledged the complexity of the interstate transport problem.

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