



Air Pollution Loophole Challenge

Earthjustice is representing Sierra Club, Montanans Against Toxic Burning, Huron Environmental Activist League and Downwinders at Risk in challenging an egregious air pollution loophole supported by the U.S. Environmental Protection Agency. The suit disputes the Obama EPA's unprecedented assertion that burning industrial solid waste as a fuel—akin to coal or natural gas—is a form of recycling, and therefore not subject to key provisions of the Clean Air Act that protect people from the harmful air emissions that result.

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Under the Clean Air Act, any facility that burns industrial solid waste is supposed to be regulated as an incinerator, which would ensure that the toxic air emissions from such burning are appropriately monitored and controlled to protect public health. But whether a facility is actually regulated as an incinerator depends on how solid waste is defined.

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Staff:
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Clients:

Downwinders at Risk

Huron Environmental Activist League (HEAL)

Montanans Against Toxic Burning

Sierra Club

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