

Wisconsin Institute for Law and Liberty: Submits public comment to EPA

Posted on Monday, Feb 5, 2018

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

For more information, contact:

Cameron Sholty | WILL Communications Director

cameron@will-law.org | [414-727-7416](tel:414-727-7416) | [262-409-9816](tel:262-409-9816)



WISCONSIN INSTITUTE
FOR LAW & LIBERTY

Expansion of "No-Growth" Zones could cripple Wisconsin

February 5, 2018 - Milwaukee, WI - Today [WILL has submitted a public comment to the U.S. Environmental Protection Agency \(EPA\)](#), pointing out that EPA's proposed expansion of nonattainment areas to virtually all of Southeastern Wisconsin would have negative consequences on Wisconsin's economy. It is unfair to businesses, workers, and residents in the area because the proposed rule is based on overly-broad - and at times, illogical, interpretation of federal law.

As explained by WILL President and General Counsel Rick Esenberg:

"The Trump Administration and Administrator Pruitt have, to date, done an excellent job at balancing pro-growth policies with protecting the environment. That is why it is shocking that they would be so willing to designate such an expansive part of Southeastern Wisconsin as a non-attainment area. This would be a "no growth zone" that would have a negative impact on the economy, especially manufacturing.

"By filing a comment today, WILL calls on the EPA to remove Racine, Washington, and Waukesha counties, along with western Milwaukee and Ozaukee counties from the proposed nonattainment zone."

The EPA administers the Clean Air Act's ambient air quality standards by designating areas that have high levels of emissions as determined by air monitors. Places that are deemed in "nonattainment" must reach attainment "as expeditiously as practicable." This results in businesses cutting back operations through reducing emissions or foregoing expansion.

On December 20, 2017, the EPA announced that it intended to designate large parts of southeastern Wisconsin as "nonattainment" areas. But they went through legal gymnastics to obtain that result, including the following:

1. EPA intends to include Racine, Washington and Waukesha Counties in the nonattainment zone even though none of those counties have a monitor showing nonattainment.
2. The monitors that show nonattainment are located in Milwaukee and Ozaukee Counties but only the monitors located close to Lake Michigan. For example, there are three monitors in Milwaukee County and two of them actually show attainment. The single monitor showing nonattainment is located close to Lake Michigan.
3. Scientific modeling that has been done shows that the monitors located close to Lake Michigan are affected far more by ozone transported over the Lake from Chicago and from Canada than from any source in Wisconsin (the Lake Michigan Effect).

Sheboygan County has already been facing problems because of the Lake Michigan effect. Last year, WILL's Center for Competitive Federalism [released a study](#) showing that the EPA's designation of Sheboygan county nonattainment has resulted in a "No Growth Zone" in that County.