

Wisconsin Institute for Law & Liberty: Helps score major win for Wisconsin, federalism

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EPA rolls back geographic scope of nonattainment areas

May 1, 2018 - Milwaukee, WI - Today, in a major victory for Wisconsin and federalism, the U.S. Environmental Protection Agency (EPA) [decided](#) to significantly rollback the geographic scope of its proposed "nonattainment" areas, partially reversing its position from last year. Since the inception of its Center for Competitive Federalism (CCF), WILL has been on the frontlines in battling EPA overreach and expansion of its "no growth" zones.

Statement by WILL President Rick Esenberg on the victory:

"This decision represents a huge victory for competitive federalism. The Trump Administration has, once again, listened to the states and those who could be harmed by regulations from the federal government. By significantly reducing the geographic area of the proposed nonattainment area, they deserve credit for listening to groups like WILL, WMC, and local chambers of commerce, as well as Governor Walker and his Department of Natural Resources.

At the end of the day, decisions about how to regulate the environment are better left to the states, rather than bureaucrats in Washington D.C. The EPA's decision clearly advances the ball in that direction."

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 to reduce emissions or foregoing expansion.

In July 2017, WILL issued a policy report, [Wisconsin's No Growth Zone: The Impact of the Clean Air Act on Sheboygan County](#), that aimed to show why the inclusion of Sheboygan County as a nonattainment area was due in part to a flawed monitoring system and could result in significant economic impact for the region. The study was released at an event with WMC, along with a [video](#).

Yet in December 2017, the EPA announced that it intended to expand its "no growth zones," proposing to designate large parts of Southeastern Wisconsin as "nonattainment" areas. In response, in February, WILL attorneys submitted a [public comment](#) to the 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. WILL called on the EPA to remove Racine, Washington, and Waukesha counties from the proposed nonattainment zone.

Earlier today, WILL President Rick Esenberg [testified](#) to a U.S. Congressional subcommittee about the dangers of the EPA's proposed air quality regulations.