

Wisconsin Institute for Law & Liberty: WILL president testifies to congressional subcommittee

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EPA air quality regulations could cripple Sheboygan economy

May 1, 2018 – Milwaukee, WI – Today WILL President and General Counsel Rick Esenberg explained to a United States Congressional subcommittee how a proposed EPA air quality regulation would turn Sheboygan County into a “no growth zone,” potentially crippling the local economy while doing little to help the environment. It is also a reminder how the federal government continues to make policy that infringes on Wisconsin’s sovereignty. Esenberg, as an invited witness, testified to a field hearing of the [U.S. Subcommittee on the Interior, Energy, and Environment](#) and Intergovernmental Affairs of the House Committee on Oversight and Government Reform in Sheboygan, Wisconsin. The field hearing is focusing on the Environmental Protection Agency’s (EPA) proposed classification of Sheboygan, Wisconsin as a “moderate” non-attainment area for National Ambient Air Quality Standards (NAAQS).

In his testimony, WILL President Rick Esenberg explained:

“The nonattainment classification imposes substantial and costly remediation obligations on those living and doing business in the county. Businesses are placed at a competitive disadvantage because they are required to invest in expensive technology that they would otherwise not be obligated to deploy and that their competitors in, say, Fond du Lac or Minnesota need not deploy. They are precluded from expanding or building a new facility without obtaining “offsets” – reduction in emissions at another facility within the county – making efforts to create jobs, in many instances, a zero sum game. Other restrictions are placed on citizens of Sheboygan, and the county is saddled with a reputation for poor air quality that it does not deserve.”

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. Modeling has shown that pollutants emitted in Illinois and Indiana, are “cooked” into ozone over Lake Michigan, and then blown westerly into Wisconsin. The air quality monitor located at Kohler-Andrae State Park, along the Lake Michigan shoreline, is particularly susceptible to the “lake effect.” But EPA has decided to rely exclusively on this air quality monitor.

WILL’s report showed that not only does the EPA have other options (a better placed monitor is located in the town of Haven, downwind from the major sources of pollution in Sheboygan County and a bit further from the lake) but that the decision to exclusively use the monitor at Kohler-Andrae, and subsequently label Sheboygan County as in moderate nonattainment has significant consequences for the region.

WILL has been on the frontlines with its partners, including Wisconsin Manufacturers and Commerce, in fighting overreach by the EPA. Last February, WILL attorneys Rick Esenberg and CJ Szafr [submitted a comment to the EPA](#), warning of the economic and legal consequences of expanding the non-attainment areas across southeastern Wisconsin. Esenberg’s testimony can be found [here](#). And please check out WILL’s video profile of our report, Wisconsin’s No Growth Zone: The Impact of the Clean Air Act on Sheboygan County, [here](#).