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NEWS FOR IMMEDIATE RELEASE

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Attorney General Kaul Intervenes in Clean Air Act Litigation to Defend Rules that Promote Transparency and Flexibility for States

MADISON, Wis. – Attorney General Josh Kaul, along with 15 other attorneys general, has moved to intervene in *State of West Virginia, et al. v. EPA* (D.C. Cir. Case No. 24-1009). This litigation is regarding federal regulations that govern state plans to limit air pollution, including greenhouse gas emissions, from existing power plants. Wisconsin is intervening in the case to defend the clean air regulations, which would improve transparency and flexibility in the state implementation plan process and help protect the public from air pollution.

“The changes that the states challenging these regulations are seeking would weaken efforts to limit air pollution,” said Attorney General Kaul. “We must not take a step backward in protecting clean air and combating the climate crisis.”

The litigation was initially brought by West Virginia and a group of other states seeking to invalidate the EPA’s Section 111(d) implementing regulations. These rules govern how states will implement their plans to comply with clean air standards promulgated under Section 111(d) of the Clean Air Act.

The challenged rules include multiple provisions beneficial to Wisconsinites, such as requiring “meaningful engagement” with communities impacted by power plants, among other stakeholders; limiting when power plants may rely on “remaining useful life” to avoid more stringent air-pollution controls; and allowing states to adopt more

stringent performance standards for power plants than what is required under federal law.

Joining Wisconsin in the filing are New York, California, Colorado, Hawai'i, D.C., Maine, Illinois, Massachusetts, Maryland, New Jersey, Minnesota, Rhode Island, Oregon, Washington and Vermont.

A copy of the motion to intervene may be found [here](#).

Attorney General Kaul previously submitted comments to EPA in support of the proposed implementing regulations. A copy of those comments may be found [here](#).