



COURTS: Environmental group pulls case on EPA tailoring rule

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The Center of Biological Diversity has withdrawn its case challenging U.S. EPA's "tailoring" rule for reasons of timing and priority.

EPA's tailoring rule, finalized in May last year, states that only the country's largest polluters -- responsible for about 70 percent of all greenhouse gas output -- need to obtain permits to regulate emissions. These include power plants, petroleum refineries and cement factories.

To coax EPA to implement the rule quickly and efficiently, CBD filed its case last August to challenge "the speed of implementation of the new permitting requirements and the legal justification for delaying applicable permitting thresholds."

"A lot of time has passed," said Kassie Siegel, director of the Center's Climate

Law Institute. "It's not necessary to litigate this case; the issue is playing out in permitting decisions."

The second stage of the tailoring rule is set to be implemented on July 1. In this phase, permits will be required for new stationary sources that emit more than 100,000 tons per year of greenhouse gases. Existing facilities will need to obtain permits for emissions greater than 75,000 tons per year.

The tailoring rule is one of four EPA decisions related to greenhouse gas regulations that have spurred court cases. The others include the "timing" rule, authorizing the agency to control emissions from stationary sources effective Jan. 2; the "tailpipe" rule, which sets standards for vehicle emissions; and the endangerment finding, which concluded that greenhouse gases are a threat to public health.