



EPA Defeats Bid for Tighter Coal Mine Air Pollution Rules

By Sophia Pearson
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The U.S. Environmental Protection Agency defeated a challenge from a group seeking to force regulation of air pollution produced by coal mines, a fourth court victory this year for the agency's discretion to set air-quality standards.

In a unanimous decision, the U.S. Court of Appeals in Washington ruled the EPA had broad latitude to determine the timing and priorities of its regulatory agenda. The agency provided a reasonable explanation for declining to regulate coal mines now, the appeals panel said.

The administration has defeated challenges to pollution rules four times since mid-April as the U.S. Supreme Court and U.S. Court of Appeals set aside objections from industry groups and gave the EPA leeway to set standards. The environmental group in this case, WildEarth Guardians, pressed the EPA to move more quickly to add coal mines to a list of regulated air pollutants.

"Today's ruling is another discouraging setback for a safe climate," Jeremy Nichols, a spokesman for WildEarth, said in an e-mailed statement. "Either the Obama administration's commitment to reducing carbon is nothing but a hollow promise or the EPA is snubbing the president's call to action."

The EPA denied WildEarth's petition explaining that budget limits force it to set priorities, the appeals panel said in its opinion. The agency indicated it might consider the issue in the future, the court said.

The case is WildEarth Guardians v. U.S. Environmental Protection Agency, 13-1212, U.S. Court of Appeals for the District of Columbia Circuit (Washington)

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