



Institute for
Policy Integrity
NEW YORK UNIVERSITY SCHOOL OF LAW

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STATEMENT ON “CLOSE-OUT RULE” COURT RULING

Today, the U.S. Court of Appeals for [the D.C. Circuit held](#) that the EPA had impermissibly allowed upwind states to continue emitting air pollution that significantly contributes to downwind air quality problems.

Richard Revesz, Director of the Institute for Policy Integrity at NYU School of Law, has released the following statement on this ruling:

“This court decision is very good news for public health in many parts of the country. A core obligation of the EPA under the Clean Air Act is to protect the air quality of downwind states that suffer from excessive upwind pollution. The Trump administration has consistently flouted this obligation and has now suffered a significant defeat in federal court. A number of related cases are pending and this decision may be the harbinger of further defeats for the EPA.”

In the Close-Out Rule, the EPA found that strategies to cut air pollution were not “cost-effective,” even though the rule did not address all upwind air pollution that significantly contributes to downwind air quality problems. The Institute for Policy Integrity at New York University School of Law [submitted an amicus brief](#) to the U.S. Court of Appeals for the D.C. Circuit explaining how the EPA had fundamentally misunderstood its job in analyzing and choosing between cost-effective options. As the court has now confirmed, the EPA has a duty to fully address upwind emissions that contribute significantly to downwind air quality problems and thus cannot rely on that faulty analysis.

Please let me know if you’d like to speak with Richard Revesz or one of our other attorneys about the ruling or related issues.

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[The Institute for Policy Integrity](#) at New York University School of Law is a non-partisan think tank dedicated to improving the quality of government decisionmaking. The institute produces original scholarly research in the fields of economics, law, and regulatory policy; and advocates for reform before courts, legislatures, and executive agencies.