

AIR POLLUTION: Lawsuit seeks standards for PVC manufacturers (10/22/2008) from *E&E News*

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Environmental groups sued U.S. EPA today, accusing the agency of failing to enforce Clean Air Act requirements for hazardous pollutants from vinyl manufacturing plants.

The lawsuit filed in the U.S. District Court for the District of Columbia says EPA has not met a 2000 deadline requiring that it set emissions standards based on best-performing emission sources for the polyvinyl chloride industry. Under the Clean Air Act, EPA must set a standard for industries emitting any of 189 listed hazardous air pollutants based on the best-demonstrated control technology or practices in similar sources.

"We want a court-enforceable deadline to force EPA to issue a legal PVC standard," said Katie Renshaw, an attorney for Earthjustice, the law firm filing the suit. "We're going to court to see, once and for all, that limits are placed on the dangerous chemicals raining down on communities from PVC plants."

PVC is a common form of plastic that has been used for decades in everything from vinyl siding to plumbing, carpet backing and raincoats. Its production results in the release of multiple chemicals, including vinyl chloride, dioxins, chromium, lead, chlorine and hydrogen chloride.

In 2002, EPA issued a national standard for one of the required chemicals -- vinyl chloride -- in which it evaluated the existing standard from 1976 and determined that it met the Clean Air Act requirements. The U.S. Circuit Court of Appeals for District of Columbia overturned that decision, ruling that EPA had failed to establish emission standards for every hazardous air pollutant that PVC plants emit.

When the court overruled EPA's 2002 standard, it reinstated the pre-Clean Air Act standard, meaning that EPA has not fulfilled its legal duties to propose new standards, the lawsuit says.

"The law requires the maximum degree of reduction that can be achieved for each and every one of those pollutants," said Jim Pew, another Earthjustice attorney. "Now, there is zero control of any hazardous air pollutant that comes out of a PVC plant except for the control of vinyl chloride by a lame standard."

The lawsuit wants the court to issue deadlines that force EPA to put into place a regulation to set emissions standards.

Earthjustice filed the lawsuit on behalf of the Sierra Club and two community groups in Louisiana. Louisiana is home to six of the nation's 21 PVC plants. Six more plants are located in

Texas, while the remaining plants are found in New Jersey, Delaware, Illinois, Kentucky, Mississippi and Oklahoma.

EPA did not respond to requests for comment on the lawsuit by press time.