

ENVIRONMENTAL GROUPS TAKE AIM AT PLASTICS INDUSTRY

On December 3, 2019, a coalition of over 360 environmental groups and community organizations submitted a Petition to US EPA demanding EPA update its New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAP) that apply to facilities that convert fossil fuels into plastics.

First Amendment and APA

The Petition states it is submitted based on the First Amendment right to petition the government as well as the part of the federal Administrative Procedures Act (APA) that requires agencies to give interested persons the right to petition for the issuance, amendment, or repeal of a rule.

According to the Petition, the APA imposes an affirmative obligation on EPA to respond to the Petition within a reasonable time. The Petition requests that if EPA seeks to deny the Petition in whole or in part, it must provide prompt notice to the petitioners.

Alleged Harm from Increased Plastics Production

The Petition lists alleged environmental harms from the plastics industry, including plastic in oceans; plastic litter in rivers and coastlines; microplastics in water, soil and air; emissions of hazardous pollutants; and emission of greenhouse gases, especially carbon dioxide, methane, and nitrogen dioxide.

The Petition states the plastics industry expects to increase production in the US at least 35% over the next decade, with 300 currently planned new projects. The Petition cites the oversupply of natural gas due to hydraulic fracturing as a factor in leading to the anticipated increased production.

Five Primary Actions Requested

The Petition requests EPA to:

1. list ethylene, propylene, polyethylene, and propylene production facilities as a source category under Section 111 of the Clean Air Act;
2. require all on-site energy needs to be met with renewable energy that emits zero greenhouse gas pollutants;
3. update the existing NSPS for facilities that produce plastics precursors and resins to effectively eliminate the emissions of criteria pollutants and volatile organic compounds from new sources;
4. update the generic maximum achievable control technology standards for ethylene production to effectively eliminate emissions of hazardous air pollutants from new and existing facilities; and
5. update the NSPS and NESHAP to protect impacted communities and reflect advances in detection and control technologies.

Center for Biological Diversity Is the Coordinating Petitioner

The Petition requests EPA to direct responses and correspondence to the Center for Biological Diversity. To see the Center for Biological Diversity's press release on the Petition, which includes a link to the Petition <https://biologicaldiversity.org/w/news/press-releases/legal-petition-seeks-new-air-pollution-standards-petrochemical-plants-2019-12-03/>