



Press Release
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ATTORNEY GENERAL'S OFFICE
July 13, 2012

State Files Suit Against EPA Challenging New Fuel Standards

July 13, 2012, Anchorage, Alaska – The State of Alaska today filed suit against the Secretary of State, Environmental Protection Agency (EPA), Department of Homeland Security, U.S. Coast Guard, and others, to block federal agencies from extending the North American Emissions Control Area (ECA) to Alaska.

The EPA and the Coast Guard, a division of the Department of Homeland Security, plan to enforce the EPA's new emission control regulations beginning Aug. 1. The regulations will require marine cargo carriers and cruise lines to use costly and difficult-to-obtain low-sulfur fuel. The regulations will mean greatly increased shipping costs to Alaskans and will also harm the state's tourism sector. The increased shipping costs from these regulations are expected to be passed on to Alaska consumers in the form of higher prices for goods, raising Alaskans' already high cost of living even higher.

Totem Ocean Trailer Express (TOTE), one of Alaska's largest shipping companies, estimates that moving to low sulfur fuel will result in an increase of about 8 percent in TOTE's total costs.

"Alaska relies heavily on maritime traffic, both for goods shipped to and from the state, and for the cruise ship passengers who support thousands of Alaskan jobs," Attorney General Michael Geraghty said. "There are reasonable and equally effective alternatives for the Secretary and the EPA to consider which would still protect the environment but dramatically reduce the severe impact these regulations will have on Alaskan jobs and families."

Filed in U.S. District Court, the suit maintains the decision to include Alaska in the enforcement zone was based on flawed or incomplete data. In the complaint, the State notes that the EPA has admitted it failed to perform the air quality modeling in Alaska that it performed in other areas included in the ECA. The EPA also admitted when it responded to comments on its rule that Alaska "enjoys air quality that is generally cleaner than our National Ambient Air Quality Standards." For that reason and others, the State believes the EPA has neither the scientific basis, nor legal authority, to extend the ECA to Alaska.

In addition to filing suit, today the State gave the Secretary, the EPA, and other federal agencies notice that Alaska will amend its complaint to add claims under the Administrative Procedures Act. Those claims will reinforce the State's case that the EPA cannot enforce the ECA in Alaska.

A copy of the complaint is available at:
http://gov.alaska.gov/parnell_media/press/712_complaint.pdf

Questions about the State's lawsuit may be directed to Assistant Attorney General Seth M. Beausang at (907) 269-5289.

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