

**On the
Administration's
Sixth EPA
Smack-Down:**

"On Tuesday the U.S. Court of Appeals for the D.C. Circuit struck down another misguided EPA rule.

"Enacted in August 2011, the Cross-State Air Pollution Rule was supposed to reduce air pollution emitted in one state and carried downwind to another. Under the Clean Air Act, if pollution from the upwind state is causing the downwind neighbor to fail federal air quality tests, then the EPA can order the upwind state to reduce the emissions causing the problem.

"But even such expansive authority from Congress is never enough for the Obama EPA. So the agency decided to use the rule-making as a pretext to force down emissions even further -- illegally, as it turns out. ...

"According to a scoreboard by the American Action Forum, Tuesday's rebuke from the D.C. Circuit marks the 15th time that a federal court has struck down an Obama regulation, and the sixth smack-down for the Obama EPA. This tally counts legally flawed rules as well as misguided EPA disapprovals of actions by particular states."

— The Editors, The Wall Street Journal

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