

INSIGHTS

## Demystifying The Good Neighbor Rule: Summary and Litigation Update

December 5, 2023

By: [Daniel J. Pope](#), [Taylor M. Stuart](#) and [Brittany M. Pemberton](#)

It can be difficult to keep track and make sense of all the activity under the EPA's Clean Air Act programs and regulations.

In this episode of the Bracewell Environmental Law Monitor, co-hosts [Daniel Pope](#) and [Taylor Stuart](#) talk with [Brittany Pemberton](#), a partner in Bracewell's [environment, lands and resources](#) practices to make sense of EPA's Good Neighbor Rule, derived from the Clean Air Act's Good Neighbor provision aimed at reducing cross-state air pollution. Tune in to hear a high-level summary of the Good Neighbor Rule, a discussion of how the Rule is affecting regulated industries and a summary of the status of current litigation.

### Featured Guest

Name: [Brittany Pemberton](#)

**About:** Brittany Pemberton is an environment and natural resources partner in Bracewell's Washington, DC office. She advises energy, oil and gas, and industrial clients in environmental regulatory compliance and enforcement matters, including handling stationary source enforcement and compliance matters under the Clean Air Act (CAA) before the US Environmental Protection Agency (EPA) and state agencies.

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### Episode Highlights

[04:30] **What Is the Good Neighbor Provision?:** The Good Neighbor provision of the Clean Air Act prohibits upwind states from interfering with downwind states' ability to comply with EPA's air quality standards.

[06:07] **EPA Announces Disapproval of State Implementation Plans for 23 States:** In February 2023, EPA announced that it would disapprove 23 state implementation plans because the plans weren't compliant with the Clean Air Act's Good Neighbor provision.

[16:59] **Litigation Resulting From EPA’s Disapproval of State Implementation Plans:** There are a few buckets of litigation which can be thought about in phases. The first phase sought to challenge the first action by EPA, which disapproved a number of the state implementation plans.

[26:34] **Limited Resources Present Difficulties for Industries to Meet Compliance Timelines:** Compliance is challenging because required controls may be in short supply. There’s not a huge market of vendors to install required controls, and limited resources have to be spread around fairly large industries.

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