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## Environmental group says appeals court ruling on EPA 'dead zone' strategy not all bad news

dead zone map 2014

This color-coded map shows oxygen levels in bottom waters of the Gulf of Mexico off the Louisiana coast. The darkest red areas, surrounded by a black line, show where the oxygen level is below 2 parts per million, which is considered hypoxia or the "dead zone." (*NOLA.com* | *The Times-Picayune*)

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The Natural Resources Defense Council says a **Tuesday appeals court ruling** reversing a lower court judge's order for the **Environmental Protection Agency** to consider new rules limiting nutrient pollution in the Mississippi River that causes the annual spring **low-oxygen "dead zone"** along Louisiana's coast was not all bad news.

In a statement Wednesday (Apr. 8), the environmental law group, which represented the New Orleans-based Gulf Restoration Network and other environmental groups in the challenge of EPA, said the U.S. 5th Circuit Court of Appeals in New Orleans "rejected EPA's argument that it was immune from judicial scrutiny," and pointed out that U.S. District Judge Jay Zainey may still order the agency to consider adopting new rules.

"The ruling reinforced our long-standing contention that the EPA's decisions must be scrutinized in the light of day. They have hidden from the stubborn problem of Mississippi River pollution for decades, and the federal decision reinforces our argument that they cannot expect to hide from the court as well," NRDC attorney Ann Alexander said in the statement.

"This gives us a chance to further clarify arguments about how the Clean Water Act requires EPA to give the public straight answers on whether federal action is needed to address the problem, since state efforts to address this problem have been too weak or nonexistent to get the job done," Alexander said. "Waterways across this nation are being mucked to the point of threatening drinking water supplies."

"We are hopeful that the arguments that won the day before will win again," she said.