

Whitehouse files court brief against EPA pollution exemptions

By Sean Reilly

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Rhode Island Sen. Sheldon Whitehouse, the top Democrat on the Senate Environment and Public Works Committee, is adding his weight behind litigation against giving 50 chemical plants and refineries more time to comply with stronger EPA air toxics rules.

The exemptions granted by President Donald Trump last year are "plainly at odds" with Congress' goal of protecting Americans "from the most dangerous air pollutants," Whitehouse wrote a [friend of court brief](#) this week in litigation pending before the U.S. District Court for the District of Columbia.

"The court," Whitehouse added, "is not powerless to prevent such absurdity."

The suit, [brought last fall](#) by Texas Environmental Justice Advocacy Services and nine other groups, contested Trump's decision to give the 50 plants another two years to meet the stronger regulations issued in 2024.

In a proclamation issued last July, Trump cited an obscure Clean Air Act provision that allows the extensions if he determines that they are in the interest of national security and that the needed pollution control technology is not available.

Whitehouse derided the proclamation as "a cartoon version of presidential authority," adding that it "replaces the honest work of analysis with incantation of feigned, conclusory assertions."

In a motion filed earlier this month, the challengers asked U.S. District Judge Christopher Cooper to strike down the exemptions as unlawful and bar EPA from allowing them to remain in effect.

Attorneys for EPA are meanwhile seeking the suit's dismissal. As of Wednesday afternoon, Cooper had not ruled, online court records indicate.

Trump has also handed about 130 power plants and other industrial facilities similar exemptions — some of which are facing separate legal challenges — from strengthened Biden-era hazardous air pollutant rules.

The administration now plans to revisit — and possibly repeal — all of those rules as part of what EPA Administrator Lee Zeldin has hailed as the largest wave of deregulation in U.S. history. Critics see the exemptions as an interim step to allow companies to meanwhile avoid compliance with rules that could be abolished.

The chemical plants and refineries getting exemptions represented less than one-quarter of the approximately 207 covered by the 2024 regulations. In granting the waivers, the suit alleged, Trump "has allowed facilities to delay controls for toxic pollutants including ethylene oxide — a known carcinogen linked to lymphoma, leukemia, and breast cancer" and stalled implementation of a new requirement for "fenceline" air pollution monitoring around their plants.