

HMIWI Litigation Background

last updated 1/13/99

- On November 14, 1997, the Earthjustice Legal Defense Fund filed litigation against EPA in the United States Court of Appeals for the District of Columbia Circuit (No. 97-1686)
- Participants in the litigation include:
 - Petitioner (Earthjustice Legal Defense Fund)
 - Respondent (EPA)
 - Intervenor (Integrated Waste Services Association)
 - Intervenor (Pharmaceutical Research and Manufacturers of America)
 - Amicus Curiae (Medical Waste Institute)
 - Amicus Curiae (Cement Kiln Recycling Coalition)
 - Amicus Curiae (Indigenous Environmental Network)
- On March 26, 1998, the Court issued the following schedule:
 - Petitioner(s) Brief -- Friday, June 5, 1998
 - Respondent(s) Brief -- Thursday, July 23, 1998
 - Intervenor(s) Brief in support of Respondent -- Friday, August 7, 1998
 - Petitioner(s) Reply Brief, if any -- Friday, August 21, 1998
 - Oral Argument -- Monday, November 9, 1998
- The Petitioners included the following Statement of Issues in their June 5, 1998 Brief:
 1. Whether EPA violated section 129, or acted arbitrarily and capriciously, by setting emission standards for hospital, medical and infectious waste incinerators (MWI) under sections 129 and 111 that are less stringent than the statutory minimum stringency required by section 129(a)(2).
 2. Whether EPA violated section 129, or acted arbitrarily and capriciously, by setting emission standards for MWI under sections 129 and 111 that do not include mandatory pollution prevention or waste minimization requirements.
 3. Whether EPA violated section 129, or acted arbitrarily and capriciously, by setting emission standards for MWI under sections 129 and 111 without considering the non-air quality health and environmental impacts of these standards.