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Trump's EPA is failing to protect N.J. air from out-of-state polluters, judge rules

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A federal judge slammed the U.S. Environmental Protection agency Tuesday for not doing more to protect New Jersey air from out-of-state pollution, giving the Garden State another win in one of its many lawsuits against the Trump administration.

In a sharply worded order, U.S. District Judge John Koeltl said the agency “repeatedly failed to act” to safeguard public health, forcing the court “to compel the EPA to take action that is long overdue.”

The agency has five days to respond to the order, and the judge told federal regulators to develop rules by March 15 to fight smog that rolls into New Jersey.

State Attorney General Gurbir Grewal called the decision a “big win.”

“It should not have taken a lawsuit for EPA to protect our environment,” he Tweeted.

EPA spokeswoman Mary Mears wrote in an email that the agency was reviewing the decision.

New Jersey has some of the worst air in the nation, which is partially because other states fail to control their pollution and the wind moves it to Garden State skies. Hundreds of thousands of New Jersey residents struggle with asthma, and about 100 die every year.

New research has also found a connection between air quality and the likelihood someone will die of the coronavirus.

Another court previously told the EPA to more strictly uphold the Clean Air Act’s “Good Neighbor” provisions, and New Jersey sued earlier this year after it said the EPA was dragging its feet. The agency argued it needed more time to develop regulations for polluters outside the state.

The judge also told the EPA to reimburse New Jersey, Connecticut, Delaware, Massachusetts and New York City and state for the money they spent in court.

The state has sued the EPA more than a dozen times since 2018, including two lawsuits filed last week.

NJ Advance Media staff writer Michael Sol Warren contributed to this report.