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E.P.A. Is Told to Reconsider Its Standards on Pollutants

Bush administration standards for pollutants like soot are “contrary to law and unsupported by adequately reasoned decisionmaking,” a federal appeals court said Tuesday.

The court ordered the Environmental Protection Agency to reconsider its standards for the pollutants, fine particulates, which are linked to premature death from lung cancer and heart disease and to other health problems including asthma.

When the agency embraced the standards in 2006, its own scientific staff rejected them as too lax. In Tuesday’s ruling, the United States Court of Appeals for the District of Columbia Circuit said the agency “did not adequately explain” why the standards were adequate.

The decision is “a victory for the breathing public,” said Paul Cort, a lawyer with Earthjustice, who argued the case for environmental groups. The legal effort was joined by health organizations and more than a dozen states, including Connecticut, New Jersey and New York.

In a statement, the E.P.A. said only that the standards for particulate matter are “extremely important” and that the Obama administration would review the matter “to ensure that the science and the law will be properly followed.”

Researchers have drawn direct and immediate links between ambient levels of fine particulates and hospital admissions and deaths. By some estimates, tens of thousands of Americans die each year from exposure to airborne particulates.

Among other sources, fine particulates come from diesel engines, power plants, certain industrial processes and even fireplaces. Perhaps one-thirtieth the diameter of a human hair, they can make their way deep into the lungs and in some cases even into the bloodstream.

These pollutants are regulated under the Clean Air Act, but there is no generally agreed safe level of exposure. So in some ways, setting standards is a value judgment more than a scientific decision.

In 2006, agency scientists and almost all the members of its Clean Air Scientific Advisory Council recommended that the standard for long-term exposure be lowered to 12 to 14 micrograms per cubic meter of air, from 15. But the agency’s administrator at the time, Stephen L. Johnson, said there was “insufficient evidence” linking the particulates to health effects.

In a statement in response to Tuesday’s decision, State Attorney General Andrew M. Cuomo of New York said it “could result in preventing hundreds of premature deaths just in the New York City area annually.”

It could also save “hundreds of millions of dollars” in health care costs, Mr. Cuomo said.

Ambient levels of fine particulates vary by place, season and weather. The Clean Air Act divides the nation into so-called airsheds, and regions that consistently violate air-quality standards are

subject to penalties including, ultimately, the withdrawal of federal highway funds, Mr. Cort said.

The case decided on Tuesday also involved coarse particulates, like dust, and particulate contributions to haze. Agricultural groups had challenged the standards for coarse particulates as unnecessarily stringent, but the court rejected their view. And it said the E.P.A. must act to reduce the role of particulates in haze.

It was the second time in two days that the appeals court was in the news for overturning decisions made by the E.P.A. during the Bush administration. On Monday, the Supreme Court refused to consider a challenge to the lower court's ruling against Bush-era standards on emissions of mercury and other pollutants from coal-fired power plants.

Mr. Cort said the appeals court had in recent years exhibited "an increasing level of distrust" for Bush administration regulations. But he rejected the idea that its recent decisions amounted to law-making.

"This was not an activist panel of judges here," Mr. Cort said. Two of the three were Republican appointees, he said, "and this was a per curiam opinion, meaning unanimous."

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